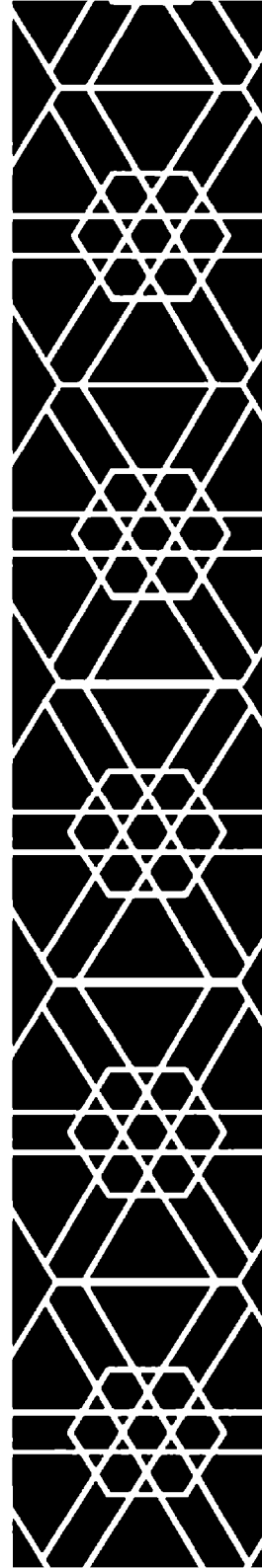


CONTEMPORARY FATAWA

Volume 2

Mufti Ebrahim Desai (Hafidhahullah)



All rights reserved. No part of this book may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by an information storage and retrieval system without permission from the publisher.

Title : Contemporary Fatawa (Volume 2)

By : Mufti Ebrahim Desai (Hafidhahullah)

Published and Distributed By:

Darul Iftaa Mahmudiyyah
35 Candella Rd, Sherwood
Durban, South Africa

Designed by:

Al Rayyan Design Studio

rayyandesignstudio.com | info@rayyandesignstudio.com

Tel: (+27) 31 207 5772
E-mail: admin@daruliftaa.net
Website: www.daruliftaa.net

CONTENTS

Foreword	9
Guidelines of Takfir	11
About 73 Firqah (Aqeedah)	14
Nationalism in Islām	17
Interfaith Dialogues	21
What is Qadar and what is Tawfiq?	33
Forced Conversions, Polygamy & al-Garaniq	39
Amina Wadud and Women leading Salaah	52
The Reality of the Satanic Verses	60
Plastic Surgery	63
Is Surrogacy Permissible?	68
What is the Ruling on Laser liposuction?	70
Is Donating and Receiving Blood Permissible?	72
What is the Ruling for Celebrating Ashura?	73
The Distance of Safr (Travel)	77
Islamic Translation of the Torah	84
National Anthem in Islamic Schools	88
Ushaka Marine World Ticket Resale	97
Ulama – Backwards?	98
Waqf land for Masjid	103
Accounting Profession	105
Cashing of Cheques on Condition of Buying Goods	108
Is the Employee liable for Compaby loss?	110
Is it Permissible to obtain a Credit card?	112
Questions Regarding Deposit	116
Is it Permissible to Sell Dolls?	116
Agency Fees	118
Bonded Property from Commercial Banks?	120
Can Interest be Avoided in Todays World?	121

Can we use Music to Attract Customers to our Shop?	125
Error in Invoice.....	126
Is Paper Money Allowed in Islam?.....	127
Udhiyyah – Locally or Abroad?	131
Helping a Drunkard?	136
Showing a Lower Profit Margin to Pay lower Tax.....	137
SMS Competitions & Offers.....	138
Fine on Delayed Payment.....	141
Cash and Credit Sales	144
Lottery Funding.....	146
Benefits Program for Employees	152
Rental Partners	154
Technical Video Engineer	157
Retirement Programs & life Insurance for Employees	159
Giving Interest to an Imam	161
Intefering Mid Transactions.....	165
Purchasing Goods During the Festive Season.....	168
Charging for Late Payment	169
Murabaha Sale	169
SARB Shares.....	170
Job at a TV Station	171
Zakaat on Gold	173
Adopting Husbands Surname.....	177
Etiquettes of Nikah.....	181
Cultural Differences in Marriage.....	185
Mistreatment from the Inlaws	187
Mixed Gathering of Wedding and Walimah.....	189
Nikah via Skype	195
Nikah not Approved Verbally.....	197
Four Women - One Man	198
Wishing Someone Well on their Birthday	200
Instagram for Females	200
Colour of Niqāb	203
Womens only Fashion Show	204

Medical Treatment to the Opposite Gender	207
Fifty Women - One Man	210
Can Women use Nail Polish?	218
Women Giving Dawah	219
What is the Status of your Status?	220
Parents or Marriage?	223
Listen to my Mother or Father?	225
College Guidelines	227
Is it Permissible to Support Sports Teams?	231
Who was Ibn Kathir (Rahimahullah)?	233
Prophet Ayub (alayhi salaam)	234
Tha'labah ibn Hātib (Radiallāhu 'Anhu).....	237
Nasheeds.....	246
Dua for Exams	252
Google and Youtube.....	253
Circulation of Unauthentic Messages.....	254
Is it Permissible to go for a Holiday?.....	256
Islamic Online Institutions.....	261
Is She the 'One'?!.....	263
Ruling of the Video Game - God of War 3.....	264
Social Media - Facebook - Tweeting	266
The reality of Sihr and Jinn in Islām	268
Masnoon Duas in Nafl Salah	277
Ibadah During the Month of Safar.....	284
Dua for the Distressed	291
12th Rabī al-Awwal Celebrations	292
Unique Name for my Child?	295
Are you Serving Deen or is Deen Serving your Nafs?	296
Hajj and Umrah Greetings	297
Intuition with Horses	298
Tablighi Jamaat in Kazakhstan	300
The Jurisprudence behind the Different forms of Zikr	304
Surname for Adopted Child.....	311
Rulings Pertaining to a Hypocrite.....	312

Eating in a Haram Restaurant	316
Whom Should be Appointed as the Imam?.....	318
Donating Breast Milk.....	321
Who are the Ghuraba (strangers) mentioned in the Hadith?	322
My Family is Putting Pressure on Me!.....	328
The Hoors of Jannah	333
The Extension of Mina into Muzdalifah	338
Tawaf al - Ziyarah without Wudhu	341
Umrah upon Children	342
Consuming Undeveloped Prawns.....	343
Eating in a Restaurant where Liquor is served.....	344
'Muslim' Meals on International Flights.....	344
Anti-Depressant Homemade Mixture from the Sunnah	345
T-shirts with Islamic Slogans.....	349
Disposing Literature with the Names of Allah.....	350
Charity Organization.....	352
Conditions for True Dreams.....	355
Weather Forecasting.....	358
Why Can't we Go to Jannah for Free?.....	359
Contagiousness	362
Qiyaamul Layl & Tahajjud.....	369
Performing Salaah with Shoes	372
Is using Tasbeeh a Bidah?.....	372
Repenting from Sins.....	374
Cell Phone Tower on the Property of the Masjid.....	378
Leaving out Salaah Because of no Enjoyment	385
Nawafil Salaah	389
Sajdah Tilawah for Recording.....	396
Darul Iftaa Students Thesis	397
Rulings Relating to the Day of Eid.....	399
Laws Relating to the Deceased	426
The Obligation of Adhering to a Madhab in all its Rulings.....	463
The Darul Iftaa.....	511
About the Darul Iftaa	513
Services of the Darul Iftaa	514

Foreword



The Constitution of Islam is the Quran and the ahādīth. In every time and era, the ever-compassing as well as comprehensive spirit of the Quran and ahādīth has been exemplified by the deep understanding of the fuqahā (jurists) who addressed unique and contemporary issues in the light of the Quran and ahādīth. Their juridical skills led them to unearth the hidden treasures of the Quran and ahādīth.

The practice of analyzing contemporary issues and deducing the relevant rulings of Shariah has been the hallmark of the illustrious fuqahā. From advances in the medical field to the financial world, the fuqahā left no stone unturned in resolving the contemporary issues of their time. As the wheel of time spins us into the 21st century, the present day ulamā attempt to walk in the shadows of their illustrious predecessors by analyzing contemporary issues and deducing the rulings of Shariah.

I was advised by my honourable teacher, Hadhrat Mufti Ahmed Khan-puri Sāhib (dāmat barakātuhum - may his blessings remain. Ameen), in Makkah al-Mukarramah to compile the fatāwā issued by the Darul Iftaa into a book. This advice by such a great personality in such a sacred place encouraged me to compile this book. This is the second volume of Contemporary Fatāwā. Most of the fatāwā were answered by the students of the Darul Iftaa as part of their training in becoming muftis.

The following are the students of the Darul Iftaa for the year 2013/2014/2015 :

1. Mufti Hanif Patel - UK
2. Mufti Fahad Abdul Wahab - USA
3. Mufti Ismail Dawoodjee - Zambia
4. Mufti Bilal Rehmani - Canada
5. Mufti Zameelur Rahman - UK
6. Mufti Ismaeel Bassa - South Africa
7. Mufti Hashim Amod - South Africa
8. Mufti Hisham Dawood - USA
9. Mufti Abdul Mannan - USA
10. Mufti Asim Patel - South Africa
11. Mufti Sohail ibn Arif - USA
12. Mufti Nabeel Valli - Zambia
13. Mufti Arshad Ali - Trinidad
14. Mufti Saleem Khan - UK
15. Mufti Muntasir Zaman - USA
16. Mufti Muhammad Haris Siddiqui - Australia
17. Mufti Zakariya Memon - Canada
18. Mufti Khalil Johnson - Belgium\Canada
19. Mufti Abu Ali al – Dagestani - Russia
20. Mawlānā Abdullah Ghadai (First Year Iftaa Student) -USA
21. Mawlānā Zaakir (First Year Iftaa Student) - USA

We have retained the academic references in the footnotes for the benefit of the ulamā and students of fiqh. For purposes of brevity we have omitted other references which are a requirement for the students training in iftā. We make duā that Allah Ta'ala accepts this humble effort and makes it a means of our salvation in the Hereafter. Ameen.

(Mufti) Ebrahim Desai

Amir, Darul Iftaa Mahmudiyyah

Rajab, 1436 | May, 2015

GUIDELINES OF TAKFIR

Q: On what basis do we make takfir of someone? Do we base that on a person's outer actions or are we none to judge someone's inner self?

A: Takfir is to declare an individual or group, ostensibly Muslim, outside the fold of Islām. The 'ulamā' of fiqh (jurisprudence) and 'aqidah (belief) have delineated the rules of takfir.

In brief, takfir is made only in the following three cases:

1. Denial of the darūriyyāt (absolute necessities) of dīn. Darūriyyāt refer to those aspects of the religion which are known by immediate necessity to be from the religion of Muhammad (sallAllāhu 'alayhi wasallam), in that:

- a. they have reached us via recurrent and overflowing (mutawātir) transmission from him (sallAllāhu 'alayhi wasallam),*
- b. and the common people are aware that they are part of the religion of Islām.*

Examples of the darūriyyāt of dīn include: the oneness of Allah, the prophethood of Muhammad, the finality of prophethood, bodily resurrection in the afterlife, the prohibition of wine and adultery, the obligation of five daily salāhs, the obligation of the fasts of Rama-dān, the omnipotence and omniscience of Allāh Ta'ālā, and so on. If anyone denies any of these aspects of the religion, he has come out of Islām, and is regarded as a kāfir (non-Muslim).

2. Denial of aspects which are not darūriyyāt of dīn, but are mutawātir (mass-transmitted) from Nabī (sallAllāhu ‘alayhi wasallam), after having been informed of their mutawātir-nature. These aspects of dīn are known to be from the religion with certainty, but may not be common knowledge. An example of this is the granddaughter’s entitlement to one sixth of a deceased’s estate if the deceased is survived by no more than one daughter. Although this is categorically a part of the religion of Islām, and there is no room to contest it, the common people do not generally have awareness of this and similar intricate rulings. The ruling of this category of knowledge is slightly different to the previous category. Here, only after having been informed about the tawātūr and the incontestability of these aspects of dīn by reliable scholars, will takfīr be made of someone who denies them.

3. An action or statement which is an overwhelming indication towards the person not having belief in the necessary aspects of Islām, despite his claim to believe. Examples include prostrating to an idol, declaring, throwing the mushaf into a rubbish bin, belittling a prophet or any salient features of religion, and so on. Committing any sin besides these, like oppression, lying, adultery, drinking wine, backbiting and so on, while believing in their impermissibility, is not a basis for takfīr in the view of Ahlus Sunnah wa l-Jamā‘ah.

One must exercise utmost caution in matters of takfīr . When there is any ambiguity, one must consult with the ‘ulamā’ before considering any Muslim a disbeliever. Rasūlullāh (sallAllāhu ‘alayhi wasallam) used very harsh words for someone who mistakenly refers to a fellow Muslim as a “kāfir.” He (sallAllāhu ‘alayhi wasallam) said:

“Whoever says to his [Muslim] brother: ‘O kāfir!’ one of them returns with it. Either it is as he said, or it comes back on him.” (Sahīh Muslim)

In underscoring this cautious attitude towards takfīr, the ‘ulamā’ have stated that even if the scope for legitimate interpretation in a Muslim’s statement is small, and most interpretations of his statement would render him a kāfir, the jurist or judge must exercise restraint and issue a ruling on the legitimate interpretation, unless the person was to clarify that his intention was something that clearly entailed disbelief. Hence, all possible avenues must be exhausted before finding a person or group that is ostensibly Muslim to have come out of Islām. Only after a person’s disbelief has become obviously apparent can there be legitimate grounds for takfīr.

والمراد بالضروريات على ما اشتهر في الكتب: ما علم كونه من دين محمد صلى الله عليه وسلم بالضرورة، بأن تواتر عنه واستفاض، وعلمته العامة، كالوحدانية والنبوة، وختمها بخاتم الأنبياء، وانقطاعها بعده (إكفار الملحدین في ضروريات الدين، دار البشائر الإسلامية، ص. ٨١)

الشرط عندنا ثبوته على وجه القطع، وإن لم يكن ضروريا، بل قد يكون بما يكون اسخفاً من قول أو فعل كما مر، ولذا ذكر في المسيرة أن ما ينفي الاستسلام، أو يوجب التكذيب فهو كفر... وما يوجب التكذيب جحد كل ما ثبت عن النبي صلى الله عليه وسلم ادعاؤه ضرورة، وأما ما لم يبلغ حد الضرورة كاستحقاق بنت الابن السدس مع البنت بإجماع المسلمين، فظاهر كلام الحنفية الإكفار بحجده، فإنهم لم يشترطوا سوى القطع في الثبوت، وجب حملة على ما إذا علم المنكر ثبوته قطعاً، لأن مناط التكفير وهو التكذيب أو الاستخفاف عند ذلك يكون، أما إذا لم يعلم فلا، إلا أن يذكر له أهل العلم ذلك (رد المحتار، سعيد، ج. ٤ ص. ٣٢٢)

جواهر الفقه للمفتي شفيق، مكتبة دار العلوم كراچی، ج. ١ ص. ٦٣١
قال ابن الهمام رحمه الله: وأما ما ثبت قطعاً ولم يبلغ حد الضرورة كاستحقاق بنت الابن السدس مع البنت بإجماع المسلمين فظاهر كلام الحنفية الإكفار بحجده... ويجب حملة على ما إذا علم المنكر بوته قطعاً (المسيرة، المكتبة المحمودية التجارية مصر، ص. ٣٨١)

والحاصل أن من تكلم بكلمة الكفر هازلاً أو لاعبا كفر عند الكل ولا اعتبار باعتقاده، كما صرح به في الخانية ورد المحتار عن البحر: رجل كفر بلسانه طائعا (أي غير مكره) وقلبه على الإيمان يكون كافراً ولا يكون عند الله مؤمناً، كذا في فتاوى قاضيخان وهندية وجامع الفصولين (إكفار الملحدین في ضروريات الدين، دار البشائر الإسلامية، ص. ١٠١)

اتفقوا في بعض الأفعال على أنها كفر، مع أنه يمكن فيها أن لا ينسلخ من التصديق، لأنها أفعال الجوارح لا القلب، وذلك كالهزل بلفظ كفر وإن لم يعتقد، وكالسجود للصنم، وقتل نبي، والاستخفاف به، وبالمصنف والكعبة... التصديق المعتبر لا تجامع هذه الأفعال؛ ذكره العلامة قاسم في حاشية المسيرة (إكفار الملحدین، ص. ٤١١)

والاستهزاء على الشريعة كفر لأن ذلك من أمارات التكذيب (النبراس، حكيمية، ص. ٩٣٣)
 قال القاضي عياض في الشفاء نقلاً عن أمام الحرمين الجويني: إدخال كافر في الملة وإخراج مسلم عنها عظيم في الدين (شرح
 الشفاء للملا القارئ، دار الكتب العلمية، ج. ٢، ص. ٩٩٤)
 قال رسول الله صلى الله عليه وسلم: أيما امرئ قال لأخيه: يا كافر، فقد باء بها أحدهما، إن كان كما قال وإلا رجعت عليه (فتح
 الملهم، دار إحياء التراث العربي، ج. ٢، ص. ٨٢)
 في البحر من باب المرتد نقلاً عن الفتاوى الصغرى: الكفر شيء عظيم فلا أجعل المؤمن كافراً متى وجدت رواية أنه لا يكفر، ثم
 قال: والذي تحرر: أنه لا يفتى بكفر مسلم ما أمكن حمل كلامه على محمل حسن، أو كان في كفره اختلاف، ولو رواية ضعيفة
 (شرح عقود رسم المفتي، مكتبة البشري، ص. ٨٥)
 وفي الهندية: إذا كان في المسألة وجوه توجب الكفر، ووجه واحد يمنع، فعلى المفتي أن يميل إلى ذلك الوجه، إلا إذا صرح بإرادة
 توجب الكفر، فلا ينفعه التأويل حينئذ، ثم إن كان نية القائل الوجه الذي يمنع التكفير فهو مسلم، وإن كان نيته الوجه الذي
 توجب التكفير لا ينفعه فتوى المفتي (إكفار الملحد، ص. ١٠١)

ABOUT 73 FIRQAH (AQEEDAH)

Q:From various resources, we know that, Muslims will be divided into 73 firqahs and among them, only one will be the righteous one. ahle sunnah wal jalaah.

There is a short interpretations of some of these aqeedahs in a book claimed to be written by Abdul Qader Jilani (Rh). However, the list is incomplete and the descriptions are also very brief.

Since we are living in a time of fitnah, we need to know these aqeedahs properly to remain cautious of them. Could you please enumerate those 73 firqahs with vivid descriptions. Also please let us know the books/treatise where we can get those information at length.

A : The Ulama' have compiled a number of books in an effort to identify the the names of the 72 deviated milal (sects). However, we should keep in mind that the names of the main, known sects are few in number.

On the other hand, if one were to count all the sub-divisions of these well-known sects it might well add up to be more than 72. There are a number of reasons for this:

1.) Some of the sub-divisions might have beliefs that take them out of the fold of Islam. As a result they would not be counted among the 72 deviated groups, because they would no longer be a sect, but disbelievers instead. As an example if, Allah forbid, somebody believes in the divinity of Ali (radiyallahu anhu) they would have left the fold of Islam.

2.) Rasulullah (salallahu alayhi wa sallam) did not say that these sects would all appear at one time. Some sects might appear in the future which would increase the number.

3.) Some sects although appearing to be separate or different might have the same usool (principles), thus being one sect in principle. As a result the number would vary depending on how they are identified. Keeping the above principles in mind we can be sure that the number of deviated sects is 72 because Rasulullah (salallahu alayhi wa sallam) has informed us.

Here is an example of how the 72 milal have been divided by the author of Mazahir Haqq: The 72 milal plus (Ahl al-Sunnah Wal Jama'ah) for a total of 73 can be divided into 8 main groups:

Beliefs

Mu'tazilah - Among their beliefs is that is that:

*One will not be able to see Allah on the Day of Judgement.

*It is obligatory on Allah to reward the righteous and punish the disobedient. *A believer who commits a major sin does not remain a believer and neither does he come a disbeliever – but occupies a position in between.

Shia: They give preference to Ali (radiyallahu anhu) over Abu Bakr, Umar and Uthman (radiyallahu anhum). Depending on the sect, some believe that the Quran is not present in its complete form and other beliefs that are not in conformity with the views of Ahl as Sunnah wal Jama'aah.

Khawarij: *They initially supported Ali (radiyallahu anhu) but later opposed him.

*They believe that a person becomes a disbeliever after committing a major sin.

Murjiyah: They believe that only imaan (faith) in Allah is sufficient and one is not obligated to do any good deeds. Further, they believe that just as a disbeliever does not benefit from his good deeds, likewise a believer is not affected negatively by any of his bad deeds.

Najariyah: They reject the attributes of Allah.

Jabariyah: Their belief is that a person has no control or say over his actions.

Mushabiha: Their belief is that Allah has body parts like humans based on their literal assumptions.

Najiyah: This is the saved denomination, Ahl as Sunnah wal Jama'aah

who are staunch followers of the sunnah of Rasulullah (salallahu alayhi wa sallam), respect and honor the Ahl al-bayt [family of Rasulullallah (salallahu alayhi wa sallam) and believe that all the Sahabah (radiyallahu anhum) are just and pious without exception.

*Abu Bakr (radiyallahu anhu) is the highest-ranking companion, then Umar, then Uthman and then Ali (radiyallahu anhum).

[i] عقائد الاسلام، ص. ۳۴۲ مولانا إدريس كاندلھوي

[ii] مظاهر حق جديد، ۱/ ۸۰۲ - ۹۰۲

NATIONALISM IN ISLĀM

Q: What is your opinion regarding nationalism and does it have any relevance with Islam?

A: Moderation is the hallmark of Islam. Any deviation towards negligence or extremism is condemned.

Shari'ah gives recognition to every natural angle and dimension of human beings, from the male gender to the female gender, from blood relations to milk relations, from families to tribes and from nations to trans-nations.

Consider the following verse:

“Oh People! Indeed we have created you from a male and female.”
(49:13)

“And we have made you into nations and tribes.” (49:13)

Sharī'ah also appreciates the diverse values and practices that arise from gender, cultural, ethnic and national differences, and, accordingly, has laws governing such issues.

The divine reason given for the categorisation of human beings as tribes, families and nations is mutual recognition and respect for each other.

After explaining the basic structure of human societies, Allāh (subhānahū wa ta'ālā) says: "So that you may recognise each other" (49:13)

Nationalism

It is natural for a human being that is born and brought up in a particular tribe or country to have love for his tribe and country. This is also appreciated and recognised in Sharī'ah. Hazrat Bilāl (radiyAllāhu 'anhu) migrated to Madīnah Munawwarah, and he fell sick. He began thinking of valleys, trees, and water wells of his native land, Makkah Mukarramah, and expressed his wish in poetic form. Consider the following Hadīth:

‘Ā'ishah (radiyAllāhu 'anhā) says that Rasūlullāh (sallAllāhu 'alayhi wasallam) came to Madīnah and Abu Bakr and Bilal (radiyAllāhu 'anhumā) did not agree with the climate of Madīnah. She further states: "Whenever the fever would subside from Bilāl, he would say: 'Behold, would that I knew, whether I will spend another night in a valley, with lemon grass and shrubs around me, and whether I will come [to drink] on day from the water of Majannah, and whether Shāmah and Tāfil would appear before me.'" (Sahīh al-Bukhārī, Hadīth # 1889)

The books of hadīth have dedicated chapters on the recognition of various tribes. For example, Rasūlullāh (sallAllāhu ‘alayhi wasallam) said about Quraysh:

“Mankind are followers of the Quraysh in good and bad” (Musannaf Ibn Abī Shaybah, Hadīth # 32382)

Rasūlullāh (sallAllāhu ‘alayhi wasallam) also mentioned other tribes:

“Quraysh, Ansār, Juhaynah, Muzaynah, Aslam, Ghifār and Ashja’ are masters, they do not have any master except Allah and His messenger” (Bukhārī, Hadīth # 3504)

The recognition given to the various tribes induces a sense of honour and pride in its members.

Overarching Principle

Whilst there is general recognition of diversity in terms of ethnicity and nationality, if there is a good quality or characteristic that enhances the value of the tribe or nation, that is also recognised and deemed praiseworthy. Rasūlullāh (sallAllāhu ‘alayhi wasallam) said:

“The best women who ride camels are the pious women of Quraysh, the most kind to an orphan in its infancy and most considerate of her husband’s wealth and possessions.” (Sahīh Muslim, Hadīth #2527)
Conversely, if there is anything un-Islamic, for example, oppression stemming from nationalism, that will be condemned.

Hazrat Wāthilah ibn al-Asqa’ asked Rasūlullāh (sallAllāhu ‘alayhi wasallam): “What is ‘Asabiyyah?” He replied: “To assist your nation/people upon oppression.” (Abu Dāwūd, Hadīth # 5119)

Rasūlullāh (sallAllāhu ‘alayhi wasallam) said: *“He who invites towards nationalism, fights because of nationalism and dies upon nationalism is not from amongst us”* (Abū Dāwūd, Hadīth # 5121)

Hazrat Mawlānā Khalīl Ahmed Sahāranpūrī (rahmatullāhi ‘alayh) states under the commentary of this Hadīth that, “The meaning of dying on ‘Asabiyyah is that it becomes entrenched in the heart of the person and desired by him, even if he did not invite anyone to it nor did he kill anyone.”

Nationalism has a tendency of evoking deep emotions in a person which could overshadow the correct and proper thinking of an individual. Such a person is robbed of his moderation, justice and fairness. Consider the following thought-provoking incident that took place in the time of Rasūlullāh (sallAllāhu ‘alayhi wasallam) and Rasūlullāh (sallAllāhu ‘alayhi wasallam)’s response to such nationalism. Hazrat ‘Amr Bin Dinār narrates that he heard Jābir saying: “We went out in battle with Nabī (sallAllāhu ‘alayhi wasallam) and a group of Muhājirīn also joined until they became plenty. There was a playful man from the Muhājirīn and he hit an Ansārī on the back. Thus, the Ansārī became extremely angry until they both rallied for support. The Ansārī said: “Oh Ansar! Help me.” And the Muhājir said: “Oh Muhājirīn! Help me.” Nabī (sallAllāhu ‘alayhi wasallam) emerged and enquired: “What is the reason for this call of Jāhiliyyah?!” Then he said: “What is the matter with them?” He was informed of the Muhājir hitting of the Ansārī. Then Nabī (sallAllāhu ‘alayhi wasallam) said: *“Leave this [nationalism], for verily it is filthy!”* (Bukharī, Hadīth # 3519)

WHAT IS ISLAM'S STANCE ON INTERFAITH DIALOGUES?

Q: (1) What is the status & is there any place for interfaith dialogue in Shariah? To date, and may be I am wrong, my understanding is that it can lead to corruption of one's own Deen by listening to the ideologies of other religions our heart will be affected. Listening & contemplating their Dawat will affect our heart.

(2) Furthermore, did Rasulullah Sallallahu Alayhi Wasallam ever engage in interfaith dialogue or was his mission refutation of batil ideologies & Dawat Illallah only? I was thinking here about Surah Al Kafiroon.

(3) How about entering in to a church and participating in the service at the church as part of interfaith dialogue. Is one's presence there not a condoning of shirk? In some cases would this not render one out of the fold of Islam?

(4) Islam is the only accepted religion in the Court of Allah. So what is the purpose of interfaith dialogue? Is it not the case that our religion is categorical in that the Kuffar will never be happy with us until we adopt their ways? That being the case, why are Muslims, ulama amongst them, participating in interfaith dialogue & even studying the scriptures of others?

(5) At interfaith gatherings there is photographing & intermingling of the sexes in the sense that one has to look at the face of a female if not sit with her. Is interfaith such a necessity that this is acceptable?

(6) It is very confusing when one sees Ulama participating in interfaith dialogue, meetings & functions, because one begins to think there must be some Shar'i daleel for their actions but I have not seen any public daleel on this issue?

A : At the outset, it is important to understand that Islam does not teach us to cut ourselves away from non-Muslims and discontinue all forms of contact with them. As a matter of fact, it is an integral part of a Muslim's character and conduct to show sympathy, kindness, politeness and proper etiquettes when dealing with Muslims and non-Muslims alike. However, if having such a relationship leads one to neglect the commands of Allah Ta'ālā and compromise one's beliefs, then it will not be feasible for one to continue such a relationship as it is a danger to one's iman. In light of this, one may maintain a friendly relationship with non-Muslims as long as it does not bring one to neglect his duties to Allah Ta'ālā or compromise one's religious beliefs.

Taken this point into consideration, we shall attempt to answer each of your questions:

(1) Allah Ta'ālā says in the Holy Quran:

Invite (people) to the way of your Lord with wisdom and good counsel. And argue with them in the best of manners. Surely, your Lord knows best the one who strays from His way, and He knows best the ones who are on the right path.

It is clear from the verse above that general dialogue between Muslims and non-Muslims is sanctioned by Allah Ta'ālā as long as it is carried out in a dignified manner that neither lacks in wisdom, nor does it become burdensome on the addressee or a source of uneasiness for him. Consider the story of Mūsā (alaihis salam) and his brother Hārūn (alaihis salam) when they were sent to the tyrant Fir'aun. Even though Fir'aun was a man who claimed divinity, Allah Ta'ālā still advised Mūsā and Hārūn (alaihimas salam) to address him in a soft manner that is gentle and amiable to their opponent. The mission of the anbiyā (alaihimus salam) was to bring others

towards the light of tawhīd (belief in the oneness of Allah Taʿālā) without compromising on their own beliefs. In this context, if Muslims and non-Muslims engage in dialogues where the prime focus is for the Muslim to bring the non-Muslims towards Islam then in essence it is furthering the mission of the anbiyā (alaihimus salam). On the other hand, if such dialogues are held in order to find a common ground between Muslims and non-Muslims in matters of creed and beliefs, then such a dialogue holds no purpose as it is tantamount to sacrificing one's own beliefs as a Muslim for the sake of someone other than Allah the Almighty.

If the prime aim of such dialogues is to bring about harmony between people of different religions and further humanitarian efforts in global causes, then it should not be necessary for one to disregard one's beliefs in order bring about such peace. It goes without saying that this discussion pertains to meetings and gatherings where the laws of Shari'ah are not disregarded when engaging in such dialogues (e.g., mixing of genders, playing of music, neglecting one's prayer, photography, etc.); otherwise, such a meeting holds no place for a Muslim even if it is only for the purposes of da'wah.

(2) The cause of revelation for Surah al-Kāfirūn as related by Imam al-Qurtubi is as follows:

Ibn Ishaq reports from Ibn 'Abbās (radiyallahu anhu) that the cause of revelation for this is that Walīd bin Mughīrah, 'Ās bin Wā'il, Aswad bin 'Abdul-Muttalib and Umayyah bin Khalaf approached the Messenger of Allah (sallallahu alaihi wa sallam) and said: Oh Muhammad, come so we can worship (the being) you worship and you worship that which we worship; thus, we can be on equal terms in all of our matters. If that which you bring is better than that which we have, then we shall take part in it and take our share from it. On the other hand, if that which we have is better than that which you have,

then you shall take part in our matter (of shirk) and take your share from it.” And so, Allah ‘Azza wa Jalla revealed: “Say, ‘O disbelievers’..”

In light of the above narration, we can clearly see that Surah al-Kāfirūn was revealed in reply to the absurd proposal made by the polytheists of Makkah. As explained before, the ultimate purpose of the anbiyā (alaihimus salam) was to propagate the message of tawhīd and bring out people from the darkness of kufr (disbelief) and shirk (polytheism) and take them towards the light of Islam. Moreover, there are numerous instances where the Holy Prophet (sallallahu ‘alaihi wa sallam) himself engaged in dialogues with his opponents or responded to questions posed by them for the sake of bringing them towards pure faith in Allah Ta‘ālā. Famous examples of this include:

- the dialogue between the Holy Prophet (sallallahu alaihi wa sallam) and the leaders of Quraish before the revelation of Surah al-‘Abas
- the dialogue between the Holy Prophet (sallallahu alaihi wa sallam) and ‘Utbaḥ Abul Walīd and his proposal of giving wealth and power to the Holy Prophet (sallallahu alaihi wa sallam) for giving up his mission
- the questions posed by ‘Uqbah bin Abi Mu‘ayt and Nadr bin Hārith regarding the people of kahf, Dhul Qarnayn, and the reality of the rūḥ

Similarly, there are many instances throughout the lives of the anbiyā (alaihimus salam) where they had to engage their family members and opponents in dialogue as well. Famous examples of this include:

- the dialogue between Mūsā (alaihis salam) and Fir’aun in regards to the being of Allah the Almighty

- the dialogue between Ibrāhīm (alaihis salam) and his people after he destroyed their idols and they plotted to throw him into the fire
- the dialogue between Ibrahim (alaihis salam) and King Namrūd in regards to the power of Allah Ta'ālā
- the dialogue between Ibrahim (alaihis salam) and his father in regards to leaving the worship of idols
- the dialogues between Hūd (alaihis salam), Sālih (alaihis salam), Shu'ayb (alaihis salam), Lūt (alaihis salam) and their people mentioned throughout Surah ash-Shu'arā

As mentioned before, the dialogues between anbiyā (alaihimus salam) and their people never involved sacrificing one's beliefs for the sake of gaining common ground with their opponents. If such engagements are carried out where one apparently has to accept certain beliefs that contradict Islam in order to find common ground, then such dialogues are fruitless and bear no resemblance to the stance held by the great anbiyā (alaihimus salam).

(3) It should first be understood that the 'Ulamā try their best to be cautious when issuing rulings pertaining to takfīr (charging someone with disbelief). It is for this reason that one should not be hasty by jumping to conclusions regarding such delicate issues. Deeming someone to have left the folds of Islam due to a certain deed is not so black and white that one can simply come to a conclusion without knowing the true intentions of the person under scrutiny. Simply put, one should always avoid questioning the beliefs of another Muslim, especially when it involves generalizing upon all Muslims who are involved in a similar act. It is correct to say that it is not advisable for a Muslim to enter a church as it may have a negative impact on one's iman. As a religion, Islam holds beliefs that are fundamentally

different when compared to Judaism and Christianity. While visiting a church does not mean one is changing his beliefs, it definitely forces one to be in an environment full of symbols and items that are contrary to one's beliefs.

To understand this more simply, will anyone allow pictures of Isa (alaihis salam) or the cross to be displayed in one's house, let alone in one's masjid? If a simple picture can deprive one of the angels' company in one's house, then what can one say about pictures symbolising ideologies contrary to fundamental beliefs in Islam? It goes without saying that once one enters such an environment, one is forced to witness such things and make place for them in one's mind and heart, even if it may not be the intent of the Muslim.

Before we conclude this part of our discussion, we will again restate the first point made at the beginning of this answer. Even though attending gatherings at a church are not feasible for a Muslim, this does not mean one is not allowed to engage in religious discussions at all with non-Muslims. Everything has its proper place and time. Similarly, religious discussions do not have to take place in an environment full of imagery contrary to a Muslim's core beliefs. If one wishes to further propagate this religion, then one should find another place to hold such a meeting where neither the Muslim feels uneasy nor does his addressee. It is a form of respect to engage in such dialogues in an environment that pacifies the needs of both parties and provides comfort to both without forcing either to forego a part of their identity as a follower of their religion.

(4) It is true that Islam is the true religion as designated by Allah Ta'ālā himself in the following verse of the Quran:

This day I have perfected for you your religion and completed My favor upon you and have approved for you Islam as religion.
Allah Ta'ālā also sent the Holy Prophet (sallallahu alaihi wa sallam)

as a mercy to all mankind who invites others towards Islam and saves them from the punishment of the hereafter. He the Almighty says in the Holy Quran:

O Prophet, indeed We have sent you as a witness and a bringer of good tidings and a warner. And one who invites to Allah , by His permission, and an illuminating lamp. And give good tidings to the believers that they will have from Allah great bounty.

In pursuing the goal of da'wah, Allah Ta'ālā outlines another rule in adopting such a path in the next verse:

And do not obey the disbelievers and the hypocrites but do not harm them, and rely upon Allah . And sufficient is Allah as Disposer of affairs.

It is clear from these verses that the Holy Prophet (sallallahu alaihi wa sallam), like all other anbiyā (alaihimus salam), was sent with the mission to bring all people out of darkness towards the light of Islam. Similarly, as the heirs of the anbiyā (alaihimus salam), the 'Ulamā also seek to further this endeavour and bring those from different faiths towards the pure teachings of Islam. Many a times, people reject Islam simply because it was portrayed to them in a distorted manner without highlighting the true teachings of Islam. The primary purpose isn't to sacrifice one's beliefs in order to please the other party; rather, the purpose is to give da'wah and fulfil our obligation upon the people of this world.

Da'wah means to call one to Islam even if the other party does not accept the message. As Muslims, we must at least make an effort to portray Islam in the manner portrayed by our messenger (sallallahu alaihi wa sallam). As stated before, this does not mean one has to sacrifice his beliefs by engaging a discussion on a platform that calls

for Muslims to accept beliefs contrary to Islam. For more information regarding this issue, refer to answers one and two.

In regards to reading the scriptures of other religions, one should keep in mind the following points:

1. The Quran is the absolute truth that abrogates the past religions in terms of religious injunctions, not necessarily in terms of core beliefs that are concurred by Islam such as tawhīd, belief in the angels, belief in the Day of Judgment, etc.
2. The scriptures that we see today are not in the same form that they were originally revealed in. Nevertheless, this does not mean that everything mentioned within them will conflict with the original teachings of that religion that concur with Islam.
3. The studying of another scripture by the Ulamā is not done to seek truth other than Islam; rather, it is done to understand the stance of those who come from different religions and in doing so, empower one's da'wah with the knowledge of one's addressee. It should be noted that such an approach should only be taken by learned 'Ulamā; if any average laymen picks up scriptures of different religions without proper knowledge of one's own creeds and beliefs, then it may have a detrimental effect on one's own Iman.
4. While studying these scriptures, one should follow the guidelines laid out by Hafidh ibn Kathīr in his introduction to Al-Bidāyah w'an-Nihāyah:
5. *"In regards to those things that are consolidated by our Shari'ah as being the truth, we have no need for such (narrations) because what we have is sufficient for us. And in regards to those things that are rejected by our Shari'ah as being false, such narrations will be disregarded and it is not permissible for one to narrate such things except for*

the purpose of disapproving or denouncing it. When Allah (glory be to Him to whom all praises are due) has sufficed us through His prophet Muhammad sallallahu alaihi wa sallam from all other religions, and through His book from all other books, we do not have a need to compare and contrast that which is in our hands with something that contains mixed information, falsehood, interpolation, and alterations, let alone the changes and abrogation that occurred thereafter. The teachings we were in need of have already been explained to us by our prophet (sallallahu alaihi wa sallam). He has explained it and clarified it (for us). Those who can understand (this) understood, and those who are ignorant remain ignorant (of this fact) as stated by ‘Ali bin Abī Tālib (radiyallahu anhu): The book of Allah; in it lies the best of that which was before you, the news of that which is after you, and decisions regarding that which occurs between you. It is the defining factor; it is not to be taken as a joke. Whosoever leaves it from amongst the oppressors is torn apart by Allah. And whosoever seeks guidance other than it, he is casted away by Allah.”

It is an undeniable fact that only the ‘Ulamā can live up to the conditions set out by Hafidh ibn Kathīr (rahimahullah).

Who other than them will be able to differentiate right from wrong without having firm knowledge of our scripture, the Quran, beforehand?

(5) See answer number one.

(6) First and foremost, it is important for each and every Muslim to think well of all other Muslims. Allah Ta‘ālā says in the Holy Quran: *O you who have believed, avoid much [negative] assumption. Indeed, some assumption is sin.*

How can one expect to move ahead if he begins to doubt Ulamā, who are the heirs of the anbiyā (alaihimus salam), the ones who are blessed by Allah Taʿālā and chosen to be the guardians of the religion propagated by Rasūlullah (sallallahu alaihi wa sallam)?

It is not our job to taint the name of Ulamā for their efforts in furthering this Deen to the masses. Although we may discuss injunctions relating to entering churches, mixed gatherings, and photography, we do not have the right to become a judge of their actions. This is the right of the Master of all creation, Allah Subhanahu wa Taʿālā alone.

Who are we to condemn an ʿĀlim by asking a public dalīl and disregard our duty to think well of all Muslims. It may be our right to disagree with the approach taken by some, but never is it our right to slander them as we are unaware of their true intentions and the circumstances that burden Muslims throughout the world.

One who is sitting in one corner of the world living out his own way of life can never be aware of the needs and problems that ʿUlamā face throughout the world in their individual communities. Such knowledge only belongs to Allah Taʿālā. From a fiqhī (judicial) perspective we may disagree with some issues, but this does not mean that we can claim to know all of the circumstances and state of affairs ʿUlamā are forced into due to the inherent need of a certain society. In such matters, we should focus on matters that pertain to our own ākhirah, lest we err in our understanding and are reprimanded for such thoughts on the Day of Judgment by Allah the Almighty himself.

...And every soul earns not [blame] except against itself, and no bearer of burdens will bear the burden of another. Then to your Lord is your return, and He will inform you concerning that over which you used to differ. And it is He who has made you successors upon the earth and has raised some of you above others in degrees [of rank] that He may try you through what He has given you. Indeed, your Lord is swift in penalty; but indeed, He is Forgiving and Merciful.

Fatawa Mahmudiyyah, vol 19, pg. 546, Darul Iftaa Jami'ah Faruqiyyah ;
Ma'ariful Quran by Mufti Muhammad Shafi Uthmani, Surah Aal 'Imran, verse 28;

وَاعْلَمَ أَنَّ دُونَ الْمُؤْمِنِ مُؤَالِيًا لِلْكَافِرِ يَحْتَمِلُ ثَلَاثَةَ أَوْجُهٍ أَحَدُهَا: أَنْ يَكُونَ رَاضِيًا بِكُفْرِهِ وَيَتَوَلَّاهُ لِأَجْلِهِ، وَهَذَا مَمْنُوعٌ مِنْهُ لِأَنَّ كُلَّ مَنْ فَعَلَ ذَلِكَ كَانَ مُصَوِّبًا لَهُ فِي ذَلِكَ الدِّينِ، وَتَضَوُّبُ الْكُفْرِ كُفْرٌ وَالرِّضَا بِالْكَفْرِ كُفْرٌ، فَيَسْتَجِيلُ أَنْ يَبْقَى مُؤْمِنًا مَعَ كُوفِهِ بِهَذِهِ الصِّفَةِ. فَإِنْ قِيلَ: أَلَيْسَ أَنَّهُ تَعَالَى قَالَ: وَمَنْ يَفْعَلْ ذَلِكَ فَلَيْسَ مِنَ اللَّهِ فِي شَيْءٍ وَهَذَا لَا يُوجِبُ الْكُفْرَ فَلَا يَكُونُ دَاخِلًا تَحْتَ هَذِهِ الْآيَةِ، لِأَنَّهُ تَعَالَى قَالَ: يَا أَيُّهَا الَّذِينَ آمَنُوا فَلَا بُدَّ وَأَنْ يَكُونَ خَطَابًا فِي شَيْءٍ يَبْقَى الْمُؤْمِنُ مَعَ مُؤْمِنًا ثَانِيًا: الْمُعَاشَرَةُ الْجَمِيلَةُ فِي الدُّنْيَا يَحْسَبُ الظَّاهِرُ، وَذَلِكَ غَيْرُ مَمْنُوعٍ مِنْهُ.

وَالْقِسْمُ الثَّالِثُ: وَهُوَ كَالْمُتَوَسِّطِ بَيْنَ الْقِسْمَيْنِ الْأَوَّلَيْنِ هُوَ أَنَّ مُوَالَاةَ الْكُفَّارِ بِمَعْنَى الرُّكُونِ إِلَيْهِمْ وَالْمَعُونَةِ، وَالْمُظَاهَرَةِ، وَالنُّصْرَةَ إِمَّا يَسْتَبِى الْقَرَابَةِ، أَوْ يَسْتَبِى الْمَحَبَّةَ مَعَ اخْتِقَادِ أَنَّ دِينَهُ بَاطِلٌ فَهَذَا لَا يُوجِبُ الْكُفْرَ إِلَّا أَنَّهُ مَنُهِى عَنْهُ، لِأَنَّ الْمُوَالَاةَ بِهَذَا الْمَعْنَى قَدْ تَجَرَّهَ إِلَى اسْتِخْسَانِ طَرِيقَتِهِ وَالرِّضَا بِدِينِهِ، وَذَلِكَ يُخْرِجُهُ عَنِ الْإِسْلَامِ فَلَا جَرَمَ هَذَا اللَّهُ تَعَالَى فِيهِ فَقَالَ: وَمَنْ يَفْعَلْ ذَلِكَ فَلَيْسَ مِنَ اللَّهِ فِي شَيْءٍ.

فَإِنْ قِيلَ: لِمَ لَا يَجُوزُ أَنْ يَكُونَ الْمُرَادُ مِنَ الْآيَةِ النَّهْيُ عَنِ اتِّخَاذِ الْكَافِرِينَ أَوْلِيَاءَ بِمَعْنَى أَنْ يَتَوَلَّوْهُمْ دُونَ الْمُؤْمِنِينَ، فَأَمَّا إِذَا تَوَلَّوْهُمْ وَتَوَلَّوْا الْمُؤْمِنِينَ مَعَهُمْ فَذَلِكَ لَيْسَ بِمَنْهُى عَنْهُ، وَأَيْضًا فَقَوْلُهُ لَا يَتَّخِذِ الْمُؤْمِنُونَ الْكَافِرِينَ أَوْلِيَاءَ فِيهِ زِيَادَةٌ مَرْتَبَةً، لِأَنَّ الرَّجُلَ قَدْ يُوَالِي غَيْرَهُ وَلَا يَتَّخِذُهُ مُوَالِيًا فَالْنَّهْيُ عَنِ اتِّخَاذِهِ مُوَالِيًا لَا يُوجِبُ النَّهْيَ عَنْ أَصْلِ مَوْلَانِهِ.

(مفاتيح الغيب للرازي، سورة آل عمران، ٨٢)؛

لا تَأْسَ بِأَنْ يَكُونَ بَيْنَ الْمُسْلِمِ وَالذِّمِّيِّ مُعَامَلَةً إِذَا كَانَ مِمَّا لَا بُدَّ مِنْهُ كَذَا فِي السَّرَاجِيَّةِ

(الفتاوى العالمية، ج ٥، ص ٨٤٣، مكتبة رشيدية)؛

وَلَا بَأْسَ بِمُضَافَةِ الْمُسْلِمِ جَارَةَ النَّصْرَانِيِّ إِذَا رَجَعَ بَعْدَ الْعَيْنَةِ وَتَبَادَى بِتَرْكِ الْمُضَافَةِ كَذَا فِي الْفُنْيَةِ وَلَا بَأْسَ بِعِبَادَةِ الْيَهُودِيِّ وَالنَّصْرَانِيِّ فِي الْمَجُوسِيِّ اخْتِلَافَ كَذَا فِي التَّهْذِيبِ وَيَجُوزُ عِبَادَةُ الذِّمِّيِّ كَذَا فِي التَّنْبِيهِ (الفتاوى العالمية، ج ٥، ص ٨٤٣، مكتبة رشيدية)؛

(و) جاز (عبادته) بالإجماع وفي عبادة المجوسي قولان

(قوله وجاز عبادته) أي عبادة مسلم ذميا نصرانيا أو يهوديا، لأنه نوع بر في حقهم وما نهينا عن ذلك، وصح أن النبي الله «عاد يهوديا مرض بجواره» هداية (قوله وفي عبادة المجوسي قولان) قال في العناية فيه اختلاف المشايخ فمنهم من قال به، لأنهم أهل الذمة وهو المروى عن محمد، ومنهم من قال هم أبعد عن الإسلام من اليهود والنصارى، ألا ترى أنه لا تباح ذبيحة المجوس ونكاحهم اهـ. قلت: وظاهر المتن كالملتقى وغيره اختيار الأول لإرجاعه الضمير في عبادته إلى الذمي ولم يقل عبادة اليهودي والنصراني، كما قال القدوري وفي النوادر جار يهودي أو مجوسي مات ابن له أو قريب ينبغي أن يعزبه، ويقول أخلف الله عليك خيرا منه، وأصلحك وكان معناه أصلحك الله بالإسلام يعني رزقك الإسلام ورزقك ولدا مسلما كفاية (رد المحتار على الدر المختار، ج ٦، ص ٨٨٣، إيج ايم سعيد كمبني)؛

(وَعِبَادَتُهُ) يَغْنِي تَجُوزُ عِبَادَةُ الذِّمِّيِّ الْمَرِيضِ لِمَا رُوِيَ أَنَّ «يَهُودِيًّا مَرِضَ بِجَوَارِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ قَوْمُوا بِنَا نَعُودُ جَارَتَنَا الْيَهُودِيَّةَ فَقَامُوا وَدَخَلَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَقَعَدَ عِنْدَ رَأْسِهِ، وَقَالَ لَهُ: قُلْ أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ، وَأَنْ مُحَمَّدًا رَسُولُ اللَّهِ فَتَنْظُرُ الْمَرِيضُ إِلَى أَبِيهِ فَقَالَ أَجُنَّةٌ فَتَنْطِقُ بِالشَّهَادَةِ فَقَالَ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْخُفْدُ لِلَّهِ الَّذِي أَنْقَذَ بِي تِسْمَةَ مِنَ النَّارِ» الْحَدِيثُ وَلَئِنْ الْعِبَادَةَ تَوَعَّ مِنْ الْبُرْ وَهِيَ مِنْ مَخَاسِنِ الْإِسْلَامِ فَلَا بَأْسَ بِهَا... وَفِي التَّوَالُرِ: وَلَا بَأْسَ بِأَنْ يَصِلَ الرَّجُلُ الْمُسْلِمُ الْمُشْرِكَ قَرِيبًا كَانَ أَوْ يَجِدَا مُخَارِبًا كَانَ أَوْ ذِمِّيًّا، وَأَرَادَ بِالْمُخَارِبِ الْمُسْتَأْمَنَ قَائِمًا إِذَا كَانَ غَيْرَ مُسْتَأْمَنٍ فَلَا يَنْبَغِي لَهُ أَنْ يَصِلَهُ بِسِكِّهِ وَفِي الذَّخِيرَةِ إِذَا كَانَ حَرْبِيًّا فِي دَارِ الْحَرْبِ وَكَانَ الْحَالُ حَالُ صَلَاحٍ فَلَا بَأْسَ بِأَنْ يَصِلَهُ وَاخْتَلَفُوا هَلْ يَكْرَهُ لَنَا أَنْ نَقْبَلَ هَدِيَّةَ الْمُشْرِكِ أَوْ لَا نَقْبَلَ، ذَكَرَ فِيهِ قَوْلَانِ وَفِي فَتَاوَى أَهْلِ سَمَرْقَنْدَ: مُسْلِمٌ دَعَا نَصْرَانِيًّا إِلَى دَارِهِ ضَيْفًا حَلَّ لَهُ أَنْ يَذْهَبَ مَعَهُ (البحر الرائق، ج ٨، ص ٤٠٢، إيج ايم سعيد كمبني)

Al-Quran, 16:25

Ma'ariful Quran, "Da'wah and Tabligh: Principles and Curriculum", Surah an-Nahl, verse 25

Al-Jāmi' Li Ahkām al-Quran of Imam al-Qurtubī, vol. 10, pg. 450, Darul Hadith

Ibid., 175

Ma'ariful Quran, "An Offer by the Infidel's of Makkah to the Holy Prophet", Surah Fussilat, verses 1-8

ذكر من قال ذلك: حدثنا أبو كريب، قال: ثنا يونس بن بكير، عن محمد بن إسحاق، قال: ثني شيخ من أهل مصر، قدم منذ بضع وأربعين سنة، عن عكرمة، عن ابن عباس، فيما يروي أبو جعفر الطبري (1) قال: بعثت قريش النضر بن الحارث، وغنقة بن أبي معيط إلى أحبار يهود بالمدينة، فقالوا لهم: سلوهم عن محمد، وصنوا لهم صفته، وأخبروهم بقوله، فإنهم أهل الكتاب الأول، وعندهم علم ما ليس عندنا من علم الأنبياء، فخرجوا حتى قدما المدينة، فسألوا أحبار يهود عن رسول الله صلى الله عليه وسلم، ووصفوا لهم أمره وبعض قوله، وقالوا إنكم أهل التوراة، وقد جئناكم لتخبرونا عن صاحبنا هذا، قال: فقالت لهم أحبار يهود: سلوه عن ثلاث تأمركم بهن، فإن أخبركم بهن فهو نبي مرسل، وإن لم يفعل فالرجل متقول، فقرأوا فيه رأيكم: سلوه عن فتية ذهبوا في الدهر الأول، ما كان من أمرهم فإنه قد كان لهم حديث عجيب. وسلوه عن رجل طوافه بلغ مشارق الأرض ومغاربها، ما كان نبؤه؟ وسلوه عن الروح ما هو؟ فإن أخبركم بذلك، فإنه نبي فأتبعوه، وإن هو لم يخبركم، فهو رجل متقول، فاصنعوا في أمره ما بدا لكم. فأقبل النضر وغنقة حتى قدما مكة على قريش، فقالا يا معشر قريش: قد جئناكم بفصل ما بينكم وبين محمد، قد أمرنا أحبار يهود أن نسأله، عن أمور، فأخبروهم بها، فجاء رسول الله صلى الله عليه وسلم، فقالوا: يا محمد أخبرنا، فسألوهم عما أمروهم به، فقال لهم رسول الله صلى الله عليه وسلم: أخبرتكم غدا بما سألتكم عنه، ولم يستثن فأنصرفوا عنه، فمكث رسول الله صلى الله عليه وسلم خمس عشرة ليلة، لا يحدث الله

إليه في ذلك وحيا، ولا يأتيه جبرائيل عليه السلام، حتى أرجف أهل مكة وقالوا: وَعَدْنَا مُحَمَّدًا غَدًا، واليوم خمس عشرة قد أصبحنا فيها لا يخبرنا بشيء مما سألناه عنه، وحتى أحزن رسول الله صلى الله عليه وسلم مكث الوحي عنه، وشق عليه ما يتكلم به أهل مكة، ثم جاءه جبرائيل عليه السلام، من الله عز وجل، بسورة أصحاب الكهف، فيها معاتبته إياه على حزنه عليهم وخبر ما سألوه عنه من أمر الغيبة والرجل الطواف، وقول الله عز وجل (وَيَسْأَلُونَكَ عَنِ الرُّوحِ قُلِ الرُّوحُ مِنْ أَمْرِ رَبِّي وَمَا أُوتِيتُمْ مِنَ الْعِلْمِ إِلَّا قَلِيلًا) إقال ابن إسحاق: فبلغني أن رسول الله صلى الله عليه وسلم افتتح السورة فقال (الْحَمْدُ لِلَّهِ الَّذِي أَنْزَلَ عَلَى عَبْدِهِ الْكِتَابَ) يعني محمدا إنك رسولي في تحقيق ما سألوا عنه من نبوته (وَلَمْ يَجْعَلْ لَهُ عِوَجًا قَلِيلًا) : أي معتدلا لا اختلاف فيه.

(جامع البيان للطبري، ج ٩ (الجز ٥١)، ص ١٩١، دار الفكر)

Al-Quran, 26:18-31

Al-Quran, 21:58-68

Al-Quran, 2:258

Al-Quran, 19: 41-47

إذَا كَانَ فِي الْمَسْأَلَةِ وَجْهٌ تُوجِبُ الْكُفْرَ وَوَجْهٌ وَاحِدٌ يَمْتَنِعُ فَعَلَى الْمُفْتِي أَنْ يَمِيلَ إِلَى ذَلِكَ الْوَجْهِ كَدًّا فِي الْخُلَاصَةِ فِي التَّبَارُزَةِ إِلَّا إِذَا صَرَّحَ بِإِرَادَةِ تَوْجِبِ الْكُفْرَ فَلَا تَنْفَعُهُ التَّأْوِيلُ حَيْثُ كَدًّا فِي الْبَحْرِ الرَّائِقِ ثُمَّ إِنْ كَانَتْ رِيَّةُ الْقَائِلِ الْوَجْهَ الَّذِي يَمْتَنِعُ التَّكْفِيرَ فَهُوَ مُسْلِمٌ وَإِنْ كَانَتْ نِيَّةُ الْوَجْهِ الَّذِي يُوجِبُ التَّكْفِيرَ لَا تَنْفَعُهُ فَتَوَى الْمُفْتِي (الفتاوي الهندية، ج ٢، ص ٣٨٢، مكتبة رشيدية)

وَفِي التَّنَازُعَاتِ يُكْرَهُ لِلْمُسْلِمِ الدُّخُولُ فِي الْبَيْعَةِ وَالْكَنِيسَةِ، وَإِنَّمَا يُكْرَهُ مِنْ حَيْثُ إِنَّهُ مَجْمَعُ الشَّيَاطِينِ لَا مِنْ حَيْثُ إِنَّهُ لَيْسَ لَهُ حَقٌّ الدُّخُولُ أَهَ قَالَ فِي الْبَحْرِ: وَالظَّاهِرُ أَنَّهَا تَحْرِيمٌ، لَكِنَّهَا الْمُرَادَةُ عِنْدَ إِطْلَاقِهِمْ، وَقَدْ أَقْنَيْتُ بِتَعْزِيرِ مُسْلِمٍ لَزِمَ الْكَنِيسَةَ مَعَ الْيَهُودِ أَهَ قَدْ حَرَّمَ الدُّخُولَ فَالْصَّلَاةُ أَوَّلَى، وَبِهِ ظَهَرَ جَهْلُ مَنْ يَدْخُلُهَا لِجَلِّ الصَّلَاةِ فِيهَا.

(رد المحتار علي الدر المختار، ج ١، ص ٠٨٣، إيج ايم سعيد كمبني)

و مثل هذا في الهندية، ج ٥، ص ٦٤٣، مكتبة رشيدية

Al-Quran, 5:3

Al-Quran, 33:45-47

Ibid., 48

Al-Bidāyah w'an Nihāyah, vol. 1, pg. 15, Dar Ibn Rajab

Al-Quran, 49:12

Al-Quran, 6: 164-165

WHAT IS QADAR AND WHAT IS TAWFIQ?

Q: In answer to one of my queries you have mentioned below: “It is also important to remember that as much as we want someone to accept Islam, it is Allah Ta’ala who will accept those whom He wills.” I believe this. But one thing I cannot understand- If someone will have the tawfiq to accept Islam if Allah wills then for which reason he will be rewarded hereafter? And reversely if anyone do not

have the tawfiq to accept Islam then for which reason he will be punished? Similar question: After attending Islamic Majlis we often used to say –Alhamdulillah, Allah ta'ala has given us tawfiq, so that we have the ability to attend. Then why it will be reward able to attend the Majlis. I have no doubt about justice of Allah ta'ala. These are simple queries for which I could not find out answers.

A : You need to look at predestination (qadar) and divine success (tawfiq) separately as they are two separate things.

Qadr refers to the perfect and absolute knowledge of Allah. He knows everything ahead of time. Having knowledge of someone does not mean Allah has imposed His will against someone and deprived him of his independent will. To understand the issue of qadar in a simple way, consider the following example:

Zayd and Ahmad were sitting and talking about some important work that they need done. These two saw two other men coming towards them. Zayd said, "Let's ask these two if they can do this work." When Ahmad looked up and saw them, he recognized both of them and said, "The man on the right wearing white will be able to do this work, but the one on the left in green will not."

Zayd asked, "How do you know that?" Ahmad replied, "From my personal experience." Zayd said, "If you're so sure, put it down on paper so you can't deny it later on." So Ahmad wrote down what he had said regarding the two men and sealed the paper in an envelope.

When the two men came and sat near them, Zayd and Ahmad requested each one of them to help them in their work. Just as Ahmad had said, the one in the green excused himself saying he would not be able to do the work as he was busy. The man in the white, though, said he would be more than happy to help them out.

Since what Ahmad had said was true, he began telling Zayd, “I should get some kind of reward since I what I wrote down about these two was right. I told you that he was going to do it, while the other was not,” and he began waving the paper on which he had written that information down. When the man in the green saw that, he became angry and said, “See, you had written this down from before that I was not going to do it and that is why I did not do it!”

If you think about this man’s response, would anybody accept that that he didn’t do the work because Ahmad had already written down that he wouldn’t?

So just as that man’s answer corresponded with Ahmad’s opinion of him, every person has a choice but Allah already knows what every person will do and when he will do it right down to the minutest details. All this has already been written down. [This is just an example to understand whereas in reality no one’s knowledge or experience can ever compare with that of Allah, and for Him is the highest description.

If a person’s personal experience or perspective based on 10 years on 20 years of work in a given field can be right many times, then just think of the supreme and perfect knowledge of Allah, the All-Knowing, the All-Seeing.

Another simple way to understand this is to look at our ability to see or hear. This is from Allah. However, there are limits to our seeing and hearing. If there is an obstacle in the way like a wall or a barrier we cannot see beyond that point. So, while there are certain limits to our seeing and hearing, we still have a certain degree of control over what we see and what we hear. In the same way, we have control over the choices we make even if it is not absolute control.

Based on this you can now understand that reward and punishment, heaven and hell, all these make clear that our ability to choose a particular course of action (good or bad) is not finished or taken away. Rather, whatever action we do corresponds exactly with what Allah already knows is going to happen and Allah bringing into existence what he already knows is going to happen is predestination (qadar).

Your second question concerns tawfiq. Tawfiq is that divine success and favor from Allah without which one cannot perform a good deed or even if he performs it it will lack sincerity in which case it will not have any value. How and why is tawfiq granted sometimes and not at other times? Why are some given more and some less?

The spiritual teacher, Shaqiq al-Balkhi (may Allah have mercy upon him) has provided deep insight about this in the following statement: The door of tawfiq has been closed on the people because of six things:

- *They busy themselves with the blessing bestowed upon them and forget about giving thanks (shukr) for it.*
- *They desire knowledge but don't practice upon it.*
- *They are quick to commit sin but delay repentance.*
- *They keep company of the righteous but deceive themselves when they do not follow in their footsteps (by doing as the righteous do).*
- *The dunya is behind them but they continue to chase after it.*
- *The akhirah is in front of them but they persist in turning away from it.*

It is also recorded that the Prophet Dawud (alayhis salam) had organized his time such that every hour of the day and night, one or another member of his household was engaged in worshipping Allah.

On a certain day Dawud (alayhis salam) mentioned this to Allah, and Allah said, “O Dawud all this comes from My tawfiq. If I do not help you to do it, you cannot do it on your own and one of these days I’m going to leave you on your own.”

Soon, a day came when his entire schedule was shattered and he became involved in resolving a dispute at the time of his worship. At that time no other member of his household was engaged in worship, and Dawud (alayhis salam) recalled the slip of tongue, sought the forgiveness of Allah and fell in prostration.

Now taking the above into account, it is rewardable to perform any good deed because we had a choice and we opted to perform that good deed. At the same time that good deed was not entirely carried out by us alone since we are entirely dependent (fuqara) for all our needs on Allah. Rather, the ability to perform that good deed with sincerity (ikhlas) came from the divine success (tawfiq) which only Allah can grant. Therefore, we praise Allah for the tawfiq, and Allah out of His infinite Mercy also rewards us for the good choice we made. If Allah had left us to our ourselves, we would not have been able to perform that good deed with sincerity (ikhlas) even if we wanted to.

Finally, it should be noted that we should not delve into the depths of taqdir. Allah does not treat anyone unjustly. Keep this in mind and it will bring you serenity and peace of mind regarding taqdir and tawfiq: “...and your Lord treats no one with injustice.”

[Surah al-Kahf, 49]

In dealing with us, apart from Allah being just, He is even Merciful. If Allah has to apply His justice on us, we will never stand up to the

absolute measure of justice of Allah. We will fail in every measure. If we do good deeds through our independent will, we will be rewarded but bear in mind, Allah created all the means for us to do good deeds. If the means were not there, we will never be able to do the good deeds even with the greatest level of sincerity. The reward we receive for the good deeds is actually a bonus from Allah and an expression of Allah's mercy. When a person does wrong, it is by his independent will and in fact Allah has created a deterrent in a human being against his will to commit sins. The deterrent is his Imaan and sense of guilt of doing wrong. When a person commits a sin, it is not only his independent will, he goes against all the deterrents Allah created for him against sinning. Therefore, he will be punished. Again, in this context, he is given a chance to repent and turn to Allah. Even in sinning, Allah is merciful to His slaves. What a loving and kind Allah.

May Allah have mercy upon us against all our sins when we pass away, when we are entrusted in the Qabr, when we are questioned in the Qabr, and when we are raised on the day of Qiyaamah and when we stand before Allah. Oh Allah, have mercy on us. We proclaim your unlimited mercy and forgiveness.

قال شقيق بن إبراهيم أغلق باب التوفيق عن الخلق من ستة أشياء اشتغالهم بالنعمة عن شكرها ورغبتهم [ii] في العلم وتركهم العمل والمساعدة إلى الذنب وتأخير التوبة والاعتذار بصحبة الصالحين وترك الاقتداء بفعالهم وإدبار الدنيا عنهم وهم يتبعونها وإقبال الآخرة عليهم وهم معرضون عنها

الفوائد للشيخ القيم ، ص. ٧٧١

معارف القرآن، ١٠٥ / ٧ - ٢٠٥ [iii]

خرج رسول الله صلى الله عليه وسلم على أصحابه وهم يختصمون في القدر فكأنما يُنقأ في وجهه حب الرمان [iv] من الغضب فقال لهذا أمرئكم أو لهذا خلقتكم تضربون القرآن بعضه ببعض بهذا هلكت الأمم قبلكم قال فقال عبد الله بن عمرو ما غبطت نفسي بمجلس تخلفت فيه عن رسول الله صلى الله عليه وسلم ما غبطت نفسي بذلك المجلس وتخلفت عنه سنن ابن ماجه الرقم: ٥٨

FORCED CONVERSIONS, POLYGAMY & AL-GARANIQ

Q: I am a Catholic Christian and a theologian. I am presently reading the Quran, in English translation of course, and trying to understand Islam. I have a few questions I have asked other Muslims and they either run away from the questions or react defensively. I must emphasize that these are sincere questions, not an attempt to convert you or a “gotcha” as we say. I am sincerely interested in how you rationalize these things.

1. Do you think that God prefers to spread His religion by force and violence against unbelievers (slavery, forced concubinage, even of married women, ransoms, tribute money, decapitations, etc.); how do you respond to those of us who perceive that He is a God of Love who prefers us to love our enemies, do good to those who despise us, and win others by reason to His religion? Such violence seems to be enshrined in the Koran. I am sincerely trying to understand this.

2. Why did Allah prescribe only 4 wives to every Muslim except Muhammad, who was allowed an infinite number.

3. How do you explain the so-called “Satanic Verses”? How could Muhammad be inspired by the devil if he was a true prophet? Why would his words need to be corrected? If he could be deceived once, how do you know he wasn’t deceived later? These are sincere questions and obstacles I see when I study Islam and read the Koran.

A: Thank you for your inquiry. We will proceed to answer your questions one by one.

1.) Your 1st objection is regarding forced conversion.

a.) The Quran clearly states that there is no forced conversion: “There shall be no compulsion in [acceptance of] the religion.” [2:256] The companion, Umar (may Allah be pleased with him) who was the second leader after the demise of the prophet invited an old Christian woman to Islam, but she refused saying she was old and close to death [meaning she did not want to revert to Islam]. Upon this, Umar (may Allah be pleased with him) read the verse quoted above: “There shall be no compulsion in [acceptance of] the religion.” and did not in any way compel or force her inspite being a leader.

Muslims ruled places like Spain and India for hundreds of years. Communities from other countries immigrated to Muslim Spain to escape oppression. Today, the population of both these countries is majority non-Muslim. If conversion by force was sanctioned by the faith or a policy, this would not have been the case. From the above it is abundantly clear that Islam neither compels nor forces anyone to convert. If someone goes against these clear tenets, then the issue is with them and not with Islam.

b.) We are not sure which translation of the Quran you are reading, but it is important to understand that unlike the Bible, the Quran’s original text and language are preserved and intact. Therefore for each inquiry we would have to look at the original source to confirm if the translation in fact conforms to the meaning, context and spirit of the verse in its original language. Since you are a theologian, we’re sure you realize that the academic integrity of any research is compromised by resorting to translations when the original is preserved.

c.) The rules of tafsir [interpretation of the Quran] say that one part of the Quran explains another. It would be dishonest and deceptive to isolate a verse and then proceed to take it out of context by disregard-

ing both the reason and background of its revelation. Likewise, not taking into account other relevant verses and the statements of the Prophet (salallahu alayhi wa sallam) [hadith] that explain that specific verse would also be erroneous and shoddy scholarship. Unfortunately, it seems you have utterly misunderstood the Quran when you say that “such violence seems be enshrined in the Koran.”

To make our point clearer, we could give the same illusion about the Bible by quoting only those verses that mention violence or religious compulsion:

“Slaughter the old men, the young men and women, the mothers and children, but do not touch anyone who has the mark. Begin at my sanctuary.” So they began with the old men who were in front of the temple.” [Ezekial 9:6]

“Now go, attack the Amalekites and totally destroy all that belongs to them. Do not spare them; put to death men and women, children and infants, cattle and sheep, camels and donkeys.” [1 Samuel, 15:3] “Now kill all the boys. And kill every woman who has slept with a man, but save for yourselves every girl who has never slept with a man.” [Numbers 31:17-18] “The people of Samaria must bear their guilt, because they have rebelled against their God. They will fall by the sword; their little ones will be dashed to the ground, their pregnant women ripped open.” [Hosea 13:16] From Deuteronomy [13: 6-10]:

6: If your very own brother, or your son or daughter, or the wife you love, or your closest friend secretly entices you, saying, “Let us go and worship other gods” (gods that neither you nor your ancestors have known,

7: gods of the peoples around you, whether near or far, from one end of the land to the other),

8: do not yield to them or listen to them. Show them no pity. Do not spare them or shield them.

9: You must certainly put them to death. Your hand must be the first in putting them to death, and then the hands of all the people.

10: Stone them to death, because they tried to turn you away from the LORD your God, who brought you out of Egypt, out of the land of slavery. From Deuteronomy [17: 2-5]

2: If a man or woman living among you in one of the towns the LORD gives you is found doing evil in the eyes of the LORD your God in violation of his covenant,

3: and contrary to my command has worshiped other gods, bowing down to them or to the sun or the moon or the stars in the sky,

4: and this has been brought to your attention, then you must investigate it thoroughly. If it is true and it has been proved that this detestable thing has been done in Israel,

5: take the man or woman who has done this evil deed to your city gate and stone that person to death.

d.) If a person goes against the tenets of his faith it should not give others the right to criticize and censure the faith itself – otherwise the same could be said about other religions:

John Paul II, has acknowledged that the Catholic Church was involved in anti-semitism, the Inquisition, the forced conversions of

the people of Africa and Latin America, the Church's support for the Crusades and so on. It is evident that that victims were both Muslims and non-Muslims. Would you then say that your faith is responsible for all these horrific episodes or was it the people that went against the tenets of your faith by justifying such acts from the Bible? Where did "win others by reason to His religion" go in the above-mentioned events as mentioned in your inquiry?

e.) As mentioned earlier, history bears witness that Muslims conquered Spain (known as Al-Andalus) and ruled it for hundreds of years. If they wanted, just a generation was enough to convert by force so that the succeeding generation would know nothing of its original religion. But that's not what happened, and Muslims, Christians and Jews lived in relative social harmony during this long period of Muslim rule.

Here's what happened during the Inquisition, when Christian rule came to Spain:

→ In Valencia, the Muslims had to give a tribute of 40,000 ducats so that they would not be persecuted.

→ In the year 1499, when Archbishop of Toledo took charge of the Granada mission as part of the Inquisitions and a program of forced conversions, mass baptisms, and a violent persecution of the Muslims followed. Adherence to Islamic customs became a punishable offence.

→ This Archbishop, Cisernos, starting sending Muslims who would not convert to prisons where they were treated with what his own hagiographer describes as "methods that were not correct" until they agreed to convert.

→ The Archbishop boasted to the then Pope Alexander IV, that 3,000 Muslims had converted in a single day. They were forcing them to

convert with such methods that they did not even have time to take them to baptismal font, instead, they had to splash the water on them. His methodology can best be described in his own words: “If the infidels [by infidels he is referring to Muslims] couldn’t be attracted to the road to salvation they had to be dragged to it.”

→ In the town of Jatvia, hundreds of Muslims were dragged to the main cathedral and ordered to choose between baptism or death.

→ In Gandia, Muslims were given the option to choose between baptism or having their throats cut. So many Muslims were forcefully baptized that they had to be sprinkled with water from tree branches dipped into irrigation canals.

→ In the town of Malaga, Muslims were tied to stakes and killed with cane spears in a cruel variant of the jousting competition known as the juego de canas. In addition, virtually the entire remaining population of Muslims in this town was enslaved or given as “gifts” to Christian rulers.

→ For all their achievements, the then monarchs of Spain, Ferdinand and Isabella were hailed as heroes and rewarded by the pope with the title of los reyes catolicos – the Catholic Monarchs.

→ Between 1609 and 1614, King Philip III ordered the expulsion of the entire Muslim population of Spain which had by now been forcefully converted (estimated at 350,000 men, women and children over the age of seven). They were removed forcibly from their own homes and country and their assets seized. Children under seven were separated from their families and not allowed to go with their fathers and mothers. That makes it the largest removal of a civilian population in European history and larger than Spain’s previous expulsion of the Jews. All this was the idea of a religious leader, the Archbishop of Valencia, Juan de Ribera.

2.) Your second question is regarding the multiple wives of the Prophet (salallahu alayhi wa sallam). There is not only precedent, but wisdom in this. We will suffice with mentioning just a few points for your consideration:

→ His' (salallahu alayhi wa sallam) entire youth was spent with a widow, much older than him, Khadijah (may Allah be pleased with her). Except for Aishah (may Allah be pleased with her) all of the wives were widows, and polygamy only came into the picture after the age of 53. The fact that the multiple marriages only came in the last 10 years of his' (salallahu alayhi wa sallam) life would lead any open-minded, impartial reader to realize that they were not done to fulfill any carnal desires.

→ The Prophet (salallahu alayhi wa sallam) married women from different tribes to establish peaceful relations so that Islam would spread by them coming to know his (salallahu alayhi wa sallam) true, noble, and pure character.

→ Muslims were limited to four because of the fear of injustice whereas there was no such fear in terms of the Prophet's (salallahu alayhi wa sallam) treatment towards his wives.

→ Just as information about his external activities was reported by the Companions (may Allah be pleased with them), similarly information about his domestic life was reported by his wives. Since spouses see and know each other's nature unlike anyone else, multiple accounts of the prophetic life inside the home were needed. This information also needed to come from multiple sources (i.e. to reach a degree known as *tawatur*: multiple transmissions with the highest degree of confirmation). Since the minimum set for this is at 10, that is why the number of his wives reached 10. The wisdom of this is even more self-evident when we see that approximately half of the faith was conveyed through the wives (may Allah be pleased with them).

→ By virtue of being in the Prophet's (salallahu alayhi wa sallam) company, the wives (may Allah be pleased with them) would learn a lot and in turn become teachers of the Muslim community. As an example: Aishah (may Allah be pleased with her) was a teacher to 200 companions and she narrated 2,210 hadith. Umm Salamah (may Allah be pleased with her) had issued enough legal rulings that they could be compiled in a separate book and she narrated 368 hadith.

→ It is also strange that this question is not raised about other Prophets (peace be upon them) whom the Bible itself records as having multiple wives. In the Bible it states the following about Sulayman (peace be upon him) (Solomon), He had seven hundred wives of royal birth and three hundred concubines...[1 Kings 11:3]. Did everybody in his kingdom have 700 wives and 300 concubines?

→ Likewise the Bible states about Dawud (peace be upon him) (David), that he had 6 wives in Hebron and that after he left Hebron, he took more concubines and wives in Jerusalem. [2 Samuel 3:2-5] and [2 Samuel 5:13] Again the question arises, did everybody in his kingdom have 6+ wives and concubines?

3.) Your 3rd question refers to a fabricated event in history that has been coined by a missionary as "Satanic Verses." This question stems from a lack of understanding and is a regurgitation of what has been repeated by ignorant people who think these are verses from the Quran. In reality, there are no such verses mentioned in the Quran. In fact, if you find them feel free to send them to us.

Now in all probability you are referring to a spurious and contrived incident recorded in some history books called "The cranes" [al-Garaniq] where some verses containing polytheism were allegedly recited to placate the disbelievers.

Before we clarify this, understand that Muslims have entire books devoted to forged hadith [prophetic statements]. Everything was meticulously compiled including the people who narrated these state-

ments so later generations can easily tell who the person narrated it and what credibility they had. You see, any statement of the Prophet (salallahu alayhi wa sallam) needs to have a sanad (chain of transmission) whose authenticity, or the lack thereof is known.

So the very fact that anyone knows about these alleged “verses” is because they come from our own history books. This in fact is proof of the transparency of Islam, where scholars recorded all kinds of information no matter how preposterous a lie it was.

To give you an example of why we do this: Sometimes if you walk into a store, they have some fake currency displayed or bad cheques that didn't clear the bank on the wall as a sign of what went wrong. This is obviously not there because they consider it an award, rather it's to make the store clerk aware of fake and fraudulent ways of payment. It is also to make the customers aware that the store will be on the lookout for fake currency. Similarly, scholars recorded all events with chains of transmissions wherever available as a guidance and caution for current and future generations. This way we can easily prove or disprove the veracity of events that took place at that time.

Now keeping all the above in mind, let's look at the status of those narrations (which as we said above are not part of the Quran, but come in our history books):

a.) Mufti Shafi (may Allah have mercy on him), one of the expert scholars of the latter times has clearly stated that the event of al-Garaniq is not established from any authentic narration. In fact, some scholars have written that this is a clear fabrication of heretics.

b.) From the earlier times, the hadith specialist, al-'Ayni (may Allah have mercy on him) has analyzed the chains of narrations concerning this event and declared them all to be defective and unacceptable according to the science of evaluating hadith.

c.) Imam al-Shawkani (may Allah have mercy on him), in his commentary on the Quran [tafsir] has stated that this event is false and not established in any way. He has also narrated the rulings of a number of other expert scholars in Quran and hadith :

Al-Bazzar (may Allah have mercy on him): We don't know of this narration coming to us in any uninterrupted chain of transmission back to the Prophet (salallahu alayhi wa sallam).

Al-Bayhaqi (may Allah have mercy on him): This event is not authentic and proceeded to show that the narrators are discredited and unreliable. Ibn Khuzaymah (may Allah have mercy on him): This is a fabrication of heretics.

Ibn Kathir (may Allah have mercy on him): I have not seen this event narrated from any authentic connected chain. Rather they are all mursals (the generation of the Companions is missing from all the chains of transmission). Now you have leading authorities in tafsir [interpretation of the Quran] and hadith [statements of the Prophet – salallahu alayhi wa sallam] making it clear that not only are the narrators discredited and unreliable but that one entire generation [the Companions] that would have been eye-witnesses to the alleged event missing from all the chains of transmission.

c.) One of the main sources where this story is found is al-Tarikh [a history book] of al-Tabari (may Allah have mercy on him) and he himself has clearly stated in the introduction : *“Let him who examines this book of mine know that I have relied, as regards everything I mention therein which I stipulate to be described by me, solely upon what has been transmitted to me by way of reports which I cite therein and traditions which I ascribe to their narrators, to the exclusion of what may be apprehended by rational argument or deduced by the human mind, except in very few cases. This is because knowledge of the reports of men of the past and of contemporaneous views of men of the*

present do not reach the one who has not witnessed them nor lived in their times except through the accounts of reporters and the transmission of transmitters, to the exclusion of rational deduction and mental inference. Hence, if I mention in this book a report about some men of the past, which the reader or listener finds objectionable or worthy of censure because he can see no aspect of truth nor any factual substance therein, let him know that this is not to be attributed to us but to those who transmitted it to us and we have merely passed this on as it has been passed on to us.”

So the purpose of relating this event was not to show that it actually took place, but just to relate all stories and events that came down to the historians by whatever narrations and chains – and that included fabricators, liars and those who have been declared weak.

d.) The fact that the disbelievers of Makkah did not raise an issue about this event is also strong evidence that this event never took place. They raised a big issue about the Night-Journey of Rasulullah (salallahu alayhi wa sallam). Surely, had this event actually occurred, this was something that they would not have neglected to seize upon, and Islamic sources would have faithfully recorded that – just like they did everything else – like the objection of the disbelievers to the Night-Journey.

e.) Even Orientalists, such as J. Burton have concluded that this event has no historical basis and is likely, a later fabrication.

In conclusion, all we request from you as a theologian is that in your study of the Quran and Islam you should apply the same fairness and impartiality that you would want and expect from anyone studying Christianity.

Just as you would not want anyone studying Christianity to segregate those verses we mentioned above, neither should you do the same if you sincerely wish to understand the Quran and Islam. Why don't you judge others in the same way you like to be judged? Doesn't the Bible say: "For in the same way you judge others, you will be judged, and with the measure you use, it will be measured to you. Why do you look at the speck of sawdust in your brother's eye and pay no attention to the plank in your own eye? How can you say to your brother, 'Let me take the speck out of your eye,' when all the time there is a plank in your own eye?" [Matthew, 7:2-4]

In conclusion, we appreciate your sincerity. This is a condition of the heart and is best known to yourself and God. God appreciates the honest quest of His sincere slaves and guides them to eternal salvation. We sincerely urge you to focus on the path of your eternal salvation which we believe is Islam. Let your rationale prevail over your emotions and follow the quest of the ultimate truth.

معارف القرآن ١/ ٦١٦ - ٦١٦ [ii]

Beck, Edward L. God Underneath: Spiritual Memoirs of a Catholic Priest. 2002 [ii]

Pendrill, Colin. Spain 1474-1700: The Triumphs and Tribulations of Empire.

Heinemann. 2002 [iii]

Rawlings, Helen. The Spanish Inquisition. Blackwell Publishing. 2006. [iv]

Don, Patricia Lopes. Bonfires of Culture. University of Oklahoma Press. 2010. [v]

Carr, Matthew. Blood and Faith: The Purging of Muslim Spain [vi]

معارف القرآن، ٧٥١ / ٧ و ٣٩١ - ٤٩١ [iiv]

إنما منع غيره من الزيادة على أربع خوفاً من عدم العدل، كما أشارت إليه آية فَإِنْ خِفْتُمْ أَلَّا تُعَدِّلُوا فَوَاحِدَةً [iiiiv]

وهذه العلة مرتفعة في حقه صلى الله عليه وسلم

وقد ذكر شيخ مشايخنا حكيم الأمة التهانوي قدس الله سره حكمة أخرى في كثرة أزواجه صلى الله عليه وسلم، وهي أنه

عليه الصلاة والسلام قد بعث إلى هذا العالم ليكون أسوة حسنة في كل شيء، وليقتدي به أمته في كل ناحية من نواحي

الحياة. وكان يجب لذلك أن لا يخفى على أمته شيء من حياته الفردية

والاجتماعية، وأن تطلع الأمة على أحوال بيته وخلوته بذلك القطع وبذلك الاستفاضة التي اطلعت بها على أحواله خارج البيت. وإن هذه الأحوال لا تكشف على أحد إلا بأزواجه صلى الله عليه وسلم، ولذلك بلغ عدد أزواجه عليه السلام بعد خديجة الكبرى عشرة أزواج، فإن العشر أقل عدد التواتر، ولما بلغ عدد نسائه إلى العشرة نهاه الله تعالى عن الزيادة على هذا العدد، كما قيل في تفسير قوله تعالى: {لَا يَحِلُّ لَكَ النَّسَاءُ مِنْ بَعْدُ}... إلخ وراجع التفسير الكبير... ومما يؤيد ذلك أنه صلى الله عليه وسلم لم يقض شيا به وفتوته إلا مع امرأة ثيبة أسن منه بكثير، مع ما عرضت عليه من صفايا أيكار العرب، ولم تكثر أزواجه إلا بعد ما بلغ الثالث والخمسين من عمره. وكانت كلهن ثيبات، سوى عائشة رضي الله عنها. أقهل يفعل ذلك من لا يريد إلا قضاء الشهوة وتسكين الشبق؟ كلا! ثم كلا! وإنما كان غرضه عليه السلام أن تبلغ أحوال بيته إلى الأمة بتلك الاستفاضة التي بلغت بها أحواله خارج البيت، ولم يكن ذلك إلا بأن لا تقل نساءه من عشرة. ولذلك نرى أن نحواً من نصف الدين لم يبلغنا إلا بواسطة أزواجه صلى الله عليه وسلم.

تكملة فتح الملهم، كتاب الرضاع، الحكمة في كثرة أزواجه صلى الله عليه وسلم، ص. ٣١١ - ٤١١

معارف القرآن، ٧٧٢ / ٦ [xi]

وجميع هذه المسانيد الثلاثة لا يحتج بشيء منها: أما الإسناد الأول: وإن كان رجاله ثقات فإن الراوي شك فيه [x] كما أخبر عن نفسه، فإما شك في رفعه، فيكون موقوفاً. وفي وصله فيكون مرسلًا، وكلاهما ليس بحجة خصوصاً فيما فيه قدح في حق الأنبياء، عليهم الصلاة والسلام، بل لو جزم الثقة برفعه ووصله حملناه على الغلط والوهم، وأما الإسناد الثاني: فإن محمد بن السائب الكلبي ضعيف بالاتفاق، منسوب إلى الكذب، وقد فسر الكلبي في روايته الغرانة العلي: بالملائكة، لا بالهة المشركين، كما يقولون: إن الملائكة بنات الله، وكذبوا على الله فرد الله ذلك عليهم بقوله: {الكم الذكر وله الأنثى} (النجم: 21). فعلى هذا فعله كان قرآناً ثم نسخ لتوهم المشركين بذلك مدح آلهتهم. وأما الإسناد الثالث: فإن محمد بن سعد هو العوفي، وهو ابن سعد بن محمد بن الحسن بن عطية العوفي، تكلم فيه الخطيب، فقال: كان لنا في الحديث، وأبوه سعد بن محمد بن الحسن بن عطية، قال فيه أحمد: لم يكن ممن يستأهل أن يكتب عنه، ولا كان موضعاً لذلك، وعم أبيه: هو الحسين بن الحسن بن عطية، ضعفه ابن معين والنسائي وابن حبان وغيرهم، والحسن بن عطية ضعفه البخاري وأبو حاتم، وهذه سلسلة ضعفاء، ولعل عطية العوفي سمعه من الكلبي فإنه كان يروي عنه ويكنيه بأبي سعيد لضعفه، ويوهم أنه: أبو سعيد الخدري، وقال عياض: هذا حديث لم يخرج به أحد من أهل الصحة. ولا رواة ثقة بسند سليم متصل، وإنما أولع به ومثله المفسرون، والمؤرخون المولعون بكل قريب، المتلقنون من الصحف كل صحيح وسقيم. قلت: الأمر كذلك، فإن غالب هؤلاء مثل الطرقيّة والقصاص وليس عندهم تمييز، يخبطون خبط عشواء، ومهمشون في ظلمة ظلماء، وكيف يقال مثل هذا والإجماع منعقد على عصمة النبي صلى الله عليه وسلم ونزاهته عن مثل هذه الرذيلة؟ ولو وقعت هذه القصة لوجدت قريش على المسلمين بها الصولة، ولأقامت عليهم اليهود بها الحجة، كما علم من عادة المنافقين وعناد المشركين، كما وقع في قصة الإسراء حتى كانت في ذلك لبعض الضعفاء ردة

عمدة القاري، ١٠١ / ٧ - ١٠١

[ix] ولم يصح شيء من هذا، ولا ثبت بوجه من الوجوه، ومع عدم صحته بل بطلانه فقد دفعه المحققون بكتاب الله سبحانه، قال الله: ولو تقول علينا بعض الأقاويل - لأخذنا منه باليمين - ثم لقطعنا منه الوتين «3» وقوله: وما ينطق عن الهوى «4» وقوله: ولولا أن أثبتنا لك كنت تركن إليهم «5» فنفي المقاربة للركون فضلاً عن الركون. قال البزار: هذا حديث لا تعلمه يروي عن النبي صلى الله عليه وسلم بإسناد متصل.

وقال البيهقي: هذه القصة غير ثابتة من جهة النقل، ثم أخذ يتكلم أن رواية هذه القصة مطعون فيها. وقال إمام الأئمة ابن خزيمة: إن هذه القصة من وضع الزنادقة. قال القاضي عياض في «الشفاء»: إن الأمة أجمعت فيما طريقه البلاغ أنه معصوم فيه من الإخبار عن شيء بخلاف ما هو عليه، لا قصداً ولا عمداً ولا سهواً ولا غلطا. قال ابن كثير: قد ذكر كثير من المفسرين هاهنا قصة الغرانيق، وما كان من رجوع كثير من المهاجرين إلى أرض الحبشة ظناً منهم أن مشركي قريش قد

أسلموا، ولكنها من طرق كلها مرسله، ولم أرها مسنده من وجه صحيح.

فتح القدير للشوكاني، ٣/ ٦٤٥

Khalidi, Tarif. Arabic Historical Thought in the Classical Period. Cambridge University Press. 1994 [xii]

وليعلم الناظر في كتابنا هذا أن اعتمادي في كل ما أحضرت ذكره فيه مما شرطت أني راسمه فيه إنما هو على ما [iiiix] رويت من الأخبار التي أنا ذاكرها فيه والآثار التي أنا مسندها إلى روايتها فيه دون ما أدرك بحجج العقول واستنبط بفكر النفوس إلا اليسير القليل منه إذ كان العلم بما كان من أخبار الماضي وما هو كائن من أنباء الحداثين غير واصل إلى من لم يشاهدتهم ولم يدرك زمانهم إلا بإخبار المخبرين ونقل الناقلين دون الاستخراج بالعقول والاستنباط بفكر النفوس فما يكن في كتابي هذا من خبر ذكرناه عن بعض الماضي مما يستنكره قارئه أو يستشعنه سامعه من أجل أنه لم يعرف له وجهها في الصحة ولا معنى في الحقيقة فليعلم أنه لم يؤت في ذلك من قبلنا وإنما أتى من قبل بعض ناقله إلينا وأنا إنما أدينا ذلك على نحو ما أدي إلينا

تاريخ الطبري، ١/ ٢١

Ali, Mohar Muhammad. Sirat al-Nabi (salallahu alayhi wa sallam) and the Orientalists. 1997 [xiv]

AMINA WADUD AND WOMEN LEADING SALAAH

Q: A Female named Amina Wadud of Usa started to revive the Islamic topic that a female can be Imam and lead prayer in congregation and also deliver Jumma Khutba and lead Jumma prayer as Rasool (pbuh) permitted UMM WARAKA to lead prayer of DAR. Do you think this is a FITNA?

A: At the outset, we will present a brief discussion on the hadīth of Umm Waraqah. Source and Text - There are several versions of this hadīth. Three such versions are presented below:

Imām Ahmad narrates:

Abū Nu‘aym narrated to us, he said: al-Walīd ibn ‘Abdillāh ibn Jumay‘ narrated to us, he said: ‘Abd al-Rahmān ibn Khallād al-Ansārī and

my grandmother narrated to me from Umm Waraqah bint ‘Abdillāh ibn al-Hārith that the Prophet of Allāh (Allah bless him and grant him peace) would visit her every Friday, and that she said on the Day of Badr: “O Prophet of Allāh, do you give me permission to come out with you, and attend to your sick ones and treat your injured, that perhaps Allah may grant me martyrdom?” He said: “Stay (in your house), for verily Allah (Great and Glorious is He) will grant you martyrdom.” She freed a female and male slave upon her death, and it became (overly) long for them, so they suffocated her in a cloak until she died, and they fled. ‘Umar stood amongst the people and he said: “Verily, the Messenger of Allah (Allah bless him and grant him peace) would visit Umm Waraqah, saying: ‘Come, we will visit the martyr.’ And indeed so-and-so, her female slave, and so-and-so, her male slave, have suffocated her and fled. No one should grant them shelter, and whoever finds them must bring them.” They were brought and crucified. They were the first to be crucified. This version of the report has no mention of Salāh, adhān or imāmat. Imām Abū Dāwūd narrates:

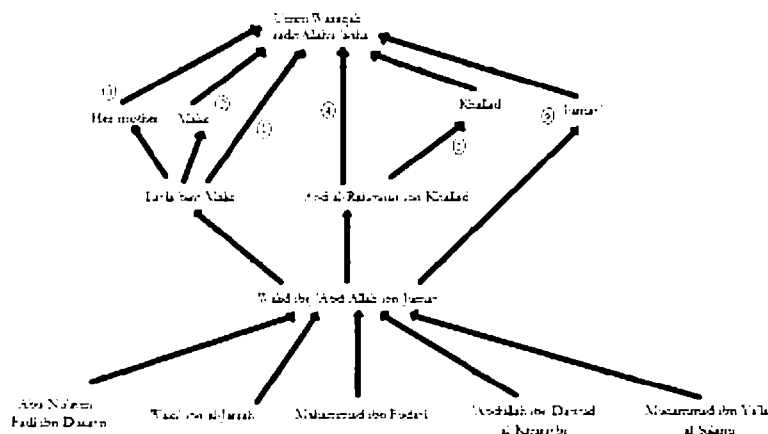
‘Uthmān ibn Abī Shaybah narrated to us: Wakī‘ ibn al-Jarrāh narrated to us: al-Walīd ibn ‘Abdillāh ibn Jumay‘ narrated to us, he said: my grandmother and ‘Abd al-Rahmān ibn Khallād al-Ansārī narrated to me from Umm Waraqah bint ‘Abdillāh ibn Nawfal al-Ansārīyyah that when the Prophet (Allah bless him and grant him peace) fought at Badr, she said: I said: “O Messenger of Allah, permit me (to participate) in the battle with you. I will attend to your sick ones, that Allah may grant me martyrdom.” He said: “Stay in your house, for verily Allah (Exalted is He) will grant you martyrdom.” She used to be called “the martyr.” She would recite the Qur’ān, so she asked permission from the Prophet (Allah bless him and grant him peace) to keep a muezzin in her private land, and he gave her permission. She had freed a male and female slave that belonged to her upon her death, so

they came to her at night and suffocated her with her cloak until she died, and they fled. ‘Umar stood amongst the people in the morning and he said: “Whoever has knowledge of these two or whoever saw them must bring them.” He gave instructions and they were crucified. They were the first to be crucified in Madinah. This version only mentions adhān but not her imāmat.

Imām Ahmad also narrates: Abū Nu‘aym narrated to us, he said: Al-Walid narrated to us, he said: My grandmother narrated to me: From Umm Waraqah bint ‘Abdillāh ibn al-Hārith al-Ansārī, who had gathered (i.e. memorised) the Qur’ān, and the Prophet (Allāh bless him and grant him peace) would order her to lead the people of her private land (in Salāh), and she had a muezzin, and she would lead the people of her private land. This version mentions both the adhān and the imāmat

The story of Umm Waraqah is found in the Musnad of Imām Ahmad ibn Hanbal ; the Mussannaf of Imām Ibn Abī Shaybah ; the Sunan of Imām Abū Dāwūd ; the Sunan of Imām al-Dāraquṭnī ; the Saḥīh of Imām Ibn Khuzaymah ; the Mustadrak of Imām al-Hākim ; the Sunan of Imām al-Bayhaqī ; al-Mu‘jam al-Kabīr of Imām al-Tabrānī ; and others.

All the chains of transmission for this report funnel through one narrator, Walid ibn ‘Abdillāh ibn Jumay’, as represented in the flowchart below (based on Tuhfat al-Ashrāf and Tahdhīb al-Kamāl of al-Mizzī and al-Nukat al-Zirāf and al-Isābah of al-‘Asqalānī):



In brief, there are 3 layers of transmission:

1. Those who narrated from Walid ibn 'Abd Allāh ibn Jumay'
2. Walid ibn 'Abd Allāh ibn Jumay' himself
3. Those Walid narrated from and beyond

The narrations mention that Umm Waraqah wished to participate in the battle of Badr by attending to the injured fighters, that perhaps she may attain martyrdom. Rasūlullāh (sallAllāhu ‘alayhi wasallam) instructed her to stay in her house and informed her she will be granted martyrdom in her house. She asked permission to have a muezzin call adhān in her private land, which she was allowed. She was also ordered to lead the people of her private land (dār) in Salāh. In the time of ‘Umar (radiyAllāhu ‘anhu), two of her slaves murdered her. They were later caught and crucified. Some of the narrations do not have any mention of the imāmat or adhān, and some only have mention of adhān and not the imāmat. This is the only narration of its kind, which is why al-Hākim said after citing it: *“This is a strange practice. I do not know of a connected hadīth on the subject besides this.”*

Analysis:

With respect to the chain of narration, the reporters of the first layer of transmission are all impeccable masters of hadīth with the exception of Muhammad ibn Ya‘lā al-Sulamī who is an unreliable narrator. The second layer of transmission reveals that the story hinges entirely on Walid ibn ‘Abd Allāh ibn Jumay‘. There is some criticism of him. Although Imāms Ahmad, Yahyā ibn Ma‘īn, Abū Dāwud, Abū Zur‘ah and al-‘Ijlī praised his reliability; Ibn Hibbān included him in his work on unreliable narrators, al-Majrūhīn, and he said: “He was of those who were isolated (in their reports) from firm reporters (in narrating) what does not resemble the narration of trustworthy men. When that is excessive from him, adducing evidence from him is nullified.”

Al-‘Uqaylī said in his work on weak reporters, al-Du‘afā’:

“There is inconsistency in his hadīth.”

We see inconsistency in this very narration of his: Walid narrates the story through a number of different chains (numbers correspond to those in the chart):

1. He sometimes narrates it from his grandmother, Laylā bint Mālīk, who narrates directly from Umm Waraqah
2. He sometimes narrates it from Laylā bint Mālīk who narrates from her father, Mālīk, who narrates from Umm Waraqah
3. He sometimes narrates it from Laylā bint Mālīk who narrates from her mother (name unknown), who narrates from Umm Waraqah
4. He sometimes narrates it from his grandfather, Jumay‘ who narrates from Umm Waraqah
5. He sometimes narrates it from ‘Abd al-Rahmān ibn Khallād who narrates directly from Umm Waraqah
6. And he sometimes narrates it from ‘Abd al-Rahmān ibn

Khallād who narrates from his father, Khallād, who narrates from Umm Warāqah. Moreover, some narrations, as stated above, mention her imāmat and Salāh, and others do not. Inconsistency in a narrator's reports is an indication of weakness. Due to this problematic nature of Walīd and his narrations, Imām al-Hākim said:

"It would have been better if Muslim did not transmit his (hadiths)."

With respect to the third layer of transmission, either the person or the reliability of all the narrators, meaning Walīd's grandfather (Jumay') and grandmother (Laylā bint Mālik), Mālik, 'Abd al-Rahmān ibn Khallād and Khallād, are unknown.

Hence, there are many reasons to regard the narration as unreliable. The team of editors of Musnad Ahmad led by Shaykh Shu'ayb al-Arnā'ūt graded the chains of this report weak upon a detailed analysis.

Imamate of Women:

The vast majority of the scholars have said that the most the narration of Umm Warāqah can prove is the validity of women leading other women in jamā'ah and that it cannot be cited as valid evidence for women leading men in Salāh . Although the hadīth does not specify who she led, it could not have been men because they are required to offer their Salāh in the masjid, not on private land. Describing the situation in the time of the Prophet (sallAllāhu 'alayhi wasallam), 'Abd Allāh ibn Mas'ūd (radiyAllāhu 'anh) said: "Verily, I observed us at a time when none stayed behind from Salāh (in the masjid) besides a hypocrite whose hypocrisy was known or a sick person, and indeed a sick person would walk between two men until he attended the Salāh." (Sahīh Muslim)

The ‘ulamā’ have mentioned that the view of the validity of women leading men in Salāh is a marginal opinion rejected by almost near-consensus. Ibn Qudāmāh writes in his al-Mughnī:

“As for the woman, it is invalid for a man to follow her in any circumstance, in fard or nāfilah, in the view of the totality of the jurists.” Following rare and isolated juristic opinions which were condemned by the vast majority of the ‘ulamā’, such as the validity of women leading men in Salāh, is extremely reckless and against the Islāmic spirit of adopting caution in one’s relationship with Allāh. Imām al-Awzā’ī said: “The one who takes the odd opinions of the scholars leaves Islām.” Sulaymān al-Taymī said: “If you took the slip of every scholar, all evil would gather in you.”

The Fitnah of Amina Wadud:

Amongst the fitnahs of end-times which Rasūlullāh (sallAllāhu ‘alayhi wasallam) foretold is that true knowledge will diminish and ignorance will become widespread. He (sallAllāhu ‘alayhi wasallam) said: *“From the portents of the Hour is ‘ilm will diminish and ignorance will prevail.”* (Sahīh al-Bukhārī)

Rasūlullāh (sallAllāhu ‘alayhi wasallam) also said:

“Verily, Allāh will not take up knowledge by extracting it from (the hearts) of the slaves, but He will take up knowledge by taking (the lives of) the ‘ulamā’, until He leaves no ‘ālim, people will adopt the ignorant as leaders. They will be asked (questions) so will issue (answers) without knowledge. They will be misguided and misguide (others).”

The knowledge that will begin to disappear near the end of times is the authentic teachings passed down from generation to generation amongst the inheritors of Nabī (sallAllāhu ‘alayhi wasallam). This is true knowledge which generates fear of Allāh Ta‘ālā and is transmitted via the hearts of men. It does not refer to mere bookish knowl-

edge. Abdullāh ibn Mas'ūd (radiyAllāhu 'anh) said: *"Knowledge is not from excessive reporting, but knowledge is fear of Allāh."*

And the scholars would say: *"All who take knowledge from lines (of books alone and not the hearts of men) are misguided and misguide (others)."*

Amina Wadud is one of many modern claimants to Islāmic scholarship and reform. Her views on women-led jamā'ats and khutbahs circumvents the established view of all four madhhabs, and represents her personal "research," based on her "progressive" leanings. It is not based on an effort to present the authentic and orthodox teachings of Islām. Claimants to Islāmic reform like Amina Wadud represent the prevalence of ignorance and the decay of real knowledge in these end-times.

Muslims must safeguard their imān by keeping themselves aloof from such fitnahs. Refer only to reliable 'ulamā' of Ahlus Sunnah who have maintained the pristine knowledge of revelation passed down with authentic transmission from the time of Nabī (sallAllāhu 'alayhi wasallam) to our time.

مسند الإمام أحمد، مؤسسة الرسالة، ج 45 ص بذل المجهود، دار الكتب العلمية، ج 4 ص 205-7
 مسند الإمام أحمد، مؤسسة الرسالة، ج 45 ص 255 مسند أحمد، مؤسسة الرسالة، ج 45 ص 253-6 مصنف ابن أبي شيبة، شركة دار
 القبة، ج 18 ص 219 بذل المجهود في حل سنن أبي داود، دار الكتب العلمية، ج 4 ص 205-9 سنن الدارقطني، مؤسسة الرسالة، ج 2 ص 261
 صحيح ابن خزيمة، المكتب الإسلامي، ص 10-809 مستدرك الحاكم، دار المعرفة، ج 1 ص 203 السنن الكبرى للبيهقي، دار الكتب العلمية، ج
 ص 186 المعجم الكبير، مكتبة ابن تيمية، ج 25 ص 134-5
 مستدرك الحاكم، دار المعرفة، ج 1 ص كتاب المجروحين من المحدثين، دار الصميعي، ج 2 ص 420
 كتاب الضعفاء، دار الصميعي، ص 1441 تهذيب الكمال للرمزي، مؤسسة الرسالة، ج 35 ص 395

THE REALITY OF THE SATANIC VERSES

Q: I found the following Hadith, I would like to inquire about its authenticity and meaning - “When the Messenger (blessings and peace of Allah be upon him) was reciting the verses (interpretation of the meaning): “Have you then considered Al-Lat, and Al-Uzza (two idols of the pagan Arabs), And Manat (another idol of the pagan Arabs), the other third?” [an-Najm 53:19, 20], the Shaytaan (Satan) put on his lips the words “These are the exalted gharaaneeq (cranes), whose intercession is hoped for”, and the Prophet (blessings and peace of Allah be upon him) and the mushrikeen prostrated after that! “

A: Here below is a detailed fatwa written by Moulana Zameelur Rahman (Birmingham) on the similar topic.

The “satanic verses” refers to a story reported from the life of Nabī (sallAllāhu ‘alayhi wasallam). The story goes that Rasūlullāh (sallAllāhu ‘alayhi wasallam) was reciting Sūrah al-Najm in Makkah in the presence of some idolaters, and when he reached the verses:

“Have you then considered (the idols) al-Lāt and al-‘Uzzā, and Manāt, the other, the third?

The Shaytān caused these words to appear: *“Those are the high cranes, and indeed their intercession is desired.”*

The idolaters appreciated that their idols were mentioned positively, so they fell in prostration. When this caused distress to Rasūlullāh (sallAllāhu ‘alayhi wasallam), these verses were revealed: “We did not send any messenger before you nor a prophet, but when he recited (the revelation), the Shaytān cast (doubts in the hearts of his oppo-

nents) about what he recited. So, Allah nullifies what the Shaytān casts, then Allah makes His verses firm.” (22:52)

This is the outcome of the various accounts in which the story was narrated. The story has been transmitted through a number of chains of transmission which were collected by Ibn al-Mundhir, Ibn Jarir al-Tabarī, al-Bazzār, Ibn Abī Hātim and others.

This story is not found in any of the well-known collections of hadith. Moreover, although some scholars considered it to have some basis, the vast majority of the scholars of hadith and other fields regarded it as being inauthentic or a baseless forgery. The major imams and scholars who concluded that it is weak or baseless include: Muhammad ibn Ishāq ibn Khuzaymah, Qādī ‘Iyād, Ibn al-‘Arabī, al-Bayhaqī, Fakhr al-Dīn al-Rāzī, al-Qutubī and Badr al-Dīn al-Aynī [4]. The recent scholar of Tafsīr and hadith, Mawlana Idrīs Kandhlewī, concludes in his Tafsīr: “That this tale is forged and baseless is established by transmitted and rational proofs.”

The small number of scholars that did consider the story to have some basis did not accept its apparent meaning. At the most, this report is a *khabar al-wāhid* (a solitary report), and thus does not have the authority to override established beliefs and principles that are known through overwhelming evidence and the consensus of the scholars. The implication that Shaytān could have caused words to appear on the tongue of Nabī (sallAllāhu ‘alayhi wasallam) cannot be accepted, as this contradicts a number of established doctrines and principles, including the ‘ismah (divine protection) of the Anbiyā’ (‘alayhimussalām). Furthermore, the Qur’an establishes that Shaytān has no such power over another human being, let alone a Nabī of Allah Ta‘ālā (Qur’an, 14:22). Hence, those scholars that considered the report to have a basis offered a number of interpretations to make the meaning of the report acceptable. The most favourable of these

interpretations is that these words did not appear on the tongue of Nabī (sallAllāhu ‘alayhi wasallam); rather, the Shaytān uttered these words during the recitation of Nabī (sallAllāhu ‘alayhi wasallam), imitating his voice in such a way that it appeared to the idolaters that they were part of his recitation. Nonetheless, as explained earlier, the favoured view is that the story is unsound, so there is no need to find an acceptable meaning for it.

Finally, the tafsīr (explanation) of the verse in question (i.e. 22:52) is not dependent on this story. The verse simply means that when the Anbiyā’ of Allah Ta‘ālā recited His verses to their peoples, the Shaytān cast doubts and aspersions in the hearts and minds of the idolaters, upon which Allah Ta‘ālā obliterated these doubts and made His verses firm. This explanation is found in Tafsīr Abū Hayyān and other reliable Tafsīrs.

In conclusion, the vast majority of the scholars have regarded this story as being unreliable, and the few that regarded it as having some basis did not accept its apparent implication and interpreted it to accord with the decisive principles established in the Qur’an, Sunnah and the consensus of the Ummah. Moreover, understanding verse 22:52 of the Qur’an is not dependent on this story. Rather, the verse has the straightforward meaning explained above.

فتح الباري، دار السلام، ج. 8 ص. 558 بذل المجهود، دار البشائر الإسلامية، ج. 6 ص. 4-71 تفسير الطبري، دار هجر، ج. 16 ص 11-603 تفسير ابن كثير، قديمي كتب خانه، ج. 3 ص 306 ومعناهم كلهم في ذلك واحد وكلها سوى طريق سعيد بن جبير إما ضعيف وإلا منقطع لكن كثرة الطرق تدل على أن للقصة أصلا مع أن لها طريقين آخرين مرسلين رجالهما على شرط الصحيحين فتح الباري، دار السلام، ج. 558 بذل المجهود، دار البشائر الإسلامية، ج. 6 ص. 72 معارف القرآن، إدارة المعارف، ج. 6 ص. 265

معارف القرآن، مكتبة المعارف، ج. 5 ص. 319 نصب المجانيق لنسف قصة الغرائق، المكتب الإسلامي، 44-46 معارف القرآن، مكتبة المعارف، ج. 5 ص. 323 معارف القرآن، إدارة المعارف، ج. 6 ص. 265 وقيل كان النبي صلى الله عليه وسلم يرثل القرآن فارتصده الشيطان في سكتة من السكتات ونطق بتلك الكلمات محاكياً نغمته بحيث سمعه من دنا إليه فظنها من قوله وأشاعها. قال: وهذا أحسن الوجوه ويؤيده ما تقدم في صدر الكلام عن ابن عباس من تفسير غمني بتلا وكذا استحسن ابن العربي هذا التأويل فتح الباري، دار السلام، ج. ثم حكى أجوبة عن الناس من الطفها أن الشيطان أوقع في مسامع المشركين ذلك فتوهموا أنه صدر عن رسول الله صلى الله عليه وسلم، وليس كذلك في نفس الأمر بل إما كان من صنيع الشيطان لا من رسول الرحمن صلى الله عليه وسلم والله أعلم تفسير ابن كثير، قديمي كتب خاتمه، ج. 3 ص 307 معارف القرآن، إدارة المعارف، ج. 6 ص. 265 معارف القرآن، إدارة المعارف، ج. 6 ص. 265

PLASTIC SURGERY

Q: Kindly advise us if Plastic Surgery is allowed under Islamic Sharia Law and if surgery need to be conducted by female doctor as opposed to male doctor. Moreover, please inform us of type of surgeries allowed under Islamic Sharia' in terms of Plastic Surgery.

A: Plastic surgery is a very broad field that covers many different types of surgeries that may be further sub-divided into several different procedures such as Aesthetic Surgery, Burn Surgery, Crani-ofacial Surgery, Hand Surgery, Microsurgery Surgery, and Paediatric Plastic Surgery.

In more broader terms, plastic surgery procedures may be divided into two main categories:

(1) Reconstructive Procedures: Reconstructive procedures correct defects on the face or body. This type of surgery is performed on abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors or disease. Examples of this include physical birth defects like cleft lips and palates and ear deformities, traumatic injuries like those from dog bites or burns, or the aftermath of disease treatments like rebuilding a woman's breast after surgery for breast cancer. It is generally performed to improve functions, but may also be done to approximate a normal appearance.

(2) Cosmetic Procedures (also known as “Aesthetic Procedures”)

Cosmetic plastic surgery includes surgical and nonsurgical procedures that reshape normal structures of the body in order to improve appearance and self-esteem. It is mainly performed to alter a part of the body that the person is not satisfied with. Common cosmetic procedures include making the breasts larger (augmentation mammoplasty) or smaller (reduction mammoplasty), reshaping the nose (rhinoplasty), and removing pockets of fat from specific spots on the body (liposuction).

Furthermore, cosmetic procedures may be performed for a variety of reasons but are usually restricted to people who are simply trying to beautify and adorn themselves by improving their outer appearance through surgical means. In other words, a large number cosmetic procedures are performed without any medical benefit in mind other than just “looking better.”

In order to understand the Shar’i aspect behind such procedures, we shall first quote the relevant texts needed to understand the concept fully:

Allah the Almighty says in the Holy Quran: “(Shaitān says) and I will lead them astray and I will tempt them with false hopes and give them my order so they shall slit the ears of cattle and I will give them my order so they shall alter the creation of Allah.”

It is reported in Sahih al-Bukhārī that ‘Abdullah bin Mad’ūd (radi-yallahu ‘anh) said: “Allah has cursed those women who practise tattooing and those who get themselves tattooed, and those who remove their face hairs, and those who create a space between their teeth artificially in order to look beautiful. They are such women that change the natural features created by Allah Ta‘ālā. Why then should

I not curse those whom the Prophet (sallallahu ‘alaihi wa sallam) has cursed? And this is found in Allah’s Book: ‘And what the Messenger gives you take it, and what he forbids you from abstain (from it).’ [59.7]

Based on the texts above, the mufasssirūn and muhaddithūn have mentioned that any permanent changes made to one’s body that involve tampering with one’s natural features fall under the category of either at-taghyīr li khalqillah or muthlah (mutilation), which are strictly prohibited in Islam. Nevertheless, Islam has also taken into account the fact that many surgical procedures are performed in order to fix physical defects or to treat injuries that otherwise would lead to severe health problems if not tended to at an earlier stage. In light of this, the fuqahā and many contemporary scholars have commented that if one uses surgical means in order to fix a physical defect or treat a certain disease, then it will be permissible to undergo such a surgery.

Now that we have discussed the basic elements surrounding this issue, we shall discuss the Shar’ī rulings pertaining to plastic surgery specifically:

Reconstructive Procedures:

Reconstructive procedures will be permissible if they are done when there is a genuine medical need, especially if leaving such a procedure will result in future health related issues.

Cosmetic or Aesthetic Procedures: In general, cosmetic surgeries are mainly resorted to for beautifying oneself and simply improving one’s outer appearance without any sign of a health related issue. As such, cosmetic surgeries will not be permissible unless a reliable physician

informs the patient that he or she needs to undergo such a procedure in order to safeguard themselves from severe health-related issues. It is important to keep in mind that health-related issues differ from person-to-person. As such, the abovementioned rulings are general and will require further consultation from reliable medical doctors and knowledgeable 'Ulamā regarding individual cases, especially for cosmetic surgeries.

In regards to female doctors, the most optimal situation is that female doctors restrict themselves to female patients and male doctors restrict themselves to male patients. Unless there is a dire need where the same gender is not available, it will not be feasible for one to treat the opposite gender.

"PLASTIC SURGERY", WIKIPEDIA, ACCESSED ON APRIL 14, 2014, [HTTP://EN.WIKIPEDIA.ORG/WIKI/PLASTIC_SURGERY](http://en.wikipedia.org/wiki/Plastic_surgery)
 "COSMETIC PROCEDURES", ASPS (AMERICAN SOCIETY OF PLASTIC SURGEONS), ACCESSED ON APRIL 14, 2014, [HTTP://WWW.W.PLASTICSURGERY.ORG/COSMETIC-PROCEDURES.HTML](http://WWW.W.PLASTICSURGERY.ORG/COSMETIC-PROCEDURES.HTML);
 "RECONSTRUCTIVE PROCEDURES", ASPS (AMERICAN SOCIETY OF PLASTIC SURGEONS), ACCESSED ON APRIL 14, 2014, [HTTP://WWW.PLASTICSURGERY.ORG/RECONSTRUCTIVE-PROCEDURES.HTML](http://WWW.PLASTICSURGERY.ORG/RECONSTRUCTIVE-PROCEDURES.HTML);

ثُمَّ قِيلَ: هَذَا الْمَنْهِيُّ عَنْهُ إِنَّمَا هُوَ فِيمَا يَكُونُ بِأَجَلِهِ لِأَنَّهُ مِنْ بَابِ تَغْيِيرِ خَلْقِ اللَّهِ تَعَالَى، فَأَمَّا مَا لَا يَكُونُ بِأَجَلٍ كَالْخُضْلِ وَالزُّزْنِ بِهِ لِلنِّسَاءِ فَقَدْ أَجَازَ الْعُلَمَاءُ ذَلِكَ مَالِكٌ وَغَيْرُهُ، وَكَرِهَهُ مَالِكٌ لِلرُّجَالِ. وَأَجَازَ مَالِكٌ أَيْضًا أَنْ تَشِي الْمَرْأَةُ بِدَنِيهَا بِالْحِجَاءِ (تفسير القرطبي، ج 3، ص 342، دار الحديث)

وَلَأَمْرُهُمْ وَلَمَنْبُتُهُمْ وَلَمَنْبُتُهُمْ فَلْيَتَّعَمُوا الْأَنْعَامَ وَلَأَمْرُهُمْ فَلْيَتَّعَمُوا خَلْقَ اللَّهِ
 قال أبو جعفر: وأولى الأقوال بالصواب في تأويل ذلك، قول من قال: معناه: "ولأمرهم فليغيرن خلق الله"، قال: دين الله. وذلك لدلالة الآية الأخرى على أن ذلك معناه، وهي قوله: (فَطَرَهُ اللَّهُ إِلَهًا لَا يَبْدُلُ لَخَلْقِ اللَّهِ ذَلِكَ الدِّينُ الْقَيِّمُ)، [سورة الروم
 وإذا كان ذلك معناه، دخل في ذلك فعل كل ما نهى الله عنه: من خضاء ما لا يجوز خضائه، ووشم ما نهى عن وشمه ووشمه، وغير ذلك .
 من المعاصي= ودخل فيه ترك كل ما أمر الله به. لأن الشيطان لا شك أنه يدعو إلى جميع معاصي الله وينهى عن جميع طاعته. فذلك معنى (أمره نصيبه المفروض من عباد الله، بتغيير ما خلق الله من دينه. تفسير الطبري، سورة النساء، آية 119)

ثُمَّ إِنَّ فِيهِ أَلَمًا عَظِيمًا رَمَّا يُفْضِي بِصَاحِبِهِ إِلَى الْهَلَاكِ، فَيَكُونُ فِيهِ تَضْيِيعُ مَالٍ وَإِذْهَابُ نَفْسٍ، وَكُلُّ ذَلِكَ مِنْهُي عَنْهُ. لَمْ يَكُنْ هَذِهِ مَثَلَةً، وَقَدْ نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ الْمَثَلَةِ، وَهُوَ صَحِيحٌ. وَقَدْ كَرِهَ جَمَاعَةٌ مِنْ فَهْمَاءِ الْحِجَازِيِّينَ وَالْكُوفِيِّينَ شِرَاءَ الْغُصِيِّ مِنَ الصَّقَالِيَةِ وَغَيْرِهِمْ وَقَالُوا: لَوْ لَمْ يَشْتَرَوْا مِنْهُمْ لَمْ يَخْضُوا. وَلَمْ يَخْضُوا أَنْ خِضَاءَ بَنِي آدَمَ لَا يَحِلُّ وَلَا يَجُوزُ، لِأَنَّهُ مَثَلَةٌ وَتَغْيِيرُ لِحَالِي اللَّهِ تَعَالَى. وَكَذَلِكَ قَطَعَ (سَائِرُ أَغْصَانِهِمْ فِي غَيْرِ حَدِّ وَلَا قُودِ تَفْسِيرِ الْقُرْطَبِيِّ، ج 3، ص 340، دار الحديث)

وَلَمْ يَرْنَهُمْ فَلْيَتَكَنَّ أَذَانُ الْأَنْعَامِ بِشَقْوَانِهَا لِتَحْرِمَ مَا أَحَلَّ اللَّهُ وَهِيَ عِبَارَةٌ عَمَّا كَانَتْ الْعَرَبُ تَفْعَلُ بِالْبَعَائِرِ وَالسَّوَابِ، وَإِشَارَةٌ إِلَى تَحْرِيمِ مَا أَحَلَّ وَنَقْصِ كُلِّ مَا خَلَقَ كَامِلًا بِالْفِعْلِ أَوْ الْقُوَّةِ. وَلَمْ يَرْنَهُمْ فَلْيَغَيِّرْ خَلْقَ اللَّهِ عَنْ وَجْهِهِ وَصُورَتِهِ أَوْ صِفَتِهِ. وَيَنْدَرُجُ فِيهِ مَا قِيلَ مِنْ فِقْهِ عَيْنِ الْحَامِي، وَخِضَاءِ الْعَبِيدِ، وَالْوُشْمِ، وَالْوُشْرِ، وَاللُّوَاطِ، وَالسَّقَقِ، وَنَعْمُو ذَلِكَ وَعِبَادَةُ الشَّمْسِ، وَالْقَمَرِ، وَتَغْيِيرُ فِطْرَةِ اللَّهِ تَعَالَى الَّتِي هِيَ الْإِسْلَامُ وَاسْتِعْمَالُ الْجَوَارِحِ وَالْقَوَى فِيمَا لَا يَبْعُدُ عَلَى النَّفْسِ كَمَا لَا يَجُوزُ لَهَا مِنَ اللَّهِ سُبْحَانَهُ وَتَعَالَى زَلْفَى. تَفْسِيرُ الْبِيضَاوِيِّ، سُورَةُ النِّسَاءِ، وَ لَا بَأْسَ بِشَقِّ الْمَثَلَةِ إِذَا كَانَ فِيهَا حَصَاةٌ وَفِي الْكَيْسَانِيَّاتِ فِي الْجَرَاحَاتِ الْمَخُوفَةِ وَ الْقُرُوحِ الْعَظِيمَةِ وَ الْحَصَاةِ الْوَاقِعَةِ فِي الْمَثَانَةِ وَ نَحْوَهَا مِنْ الْعَلَلِ إِنْ قِيلَ قَدْ يَنْجُو وَ قَدْ يَمُوتُ أَوْ يَنْجُو وَ لَا يَمُوتُ تَعَالَى * وَ إِنْ قِيلَ لَا يَنْجُو أَصْلًا لَا تَدَاوِي بِلِ تَرْكُ وَ يَبَاحُ قَطْعُ الْيَدِ لِلَاكَلَةِ رَجُلٍ لَهُ سَلْعَةٌ أَوْ حَجَرٍ فَأَرَادَ أَنْ يَسْتَغْرِخَهُ وَ يَخَافُ مِنْهُ الْمَوْتُ قَالَ أَبُو يُوسُفَ رَحِمَهُ اللَّهُ تَعَالَى إِنْ كَانَ فَعَلَهُ أَحَدٌ فَجَلَّا بَأْسَ بَأْنِ يَفْعَلُ * لِأَنَّهُ يَكُونُ مَعَاجِلَةً وَ لَا يَكُونُ تَعْرِضًا لِلْهَلَاكِ * وَ فِي الْفَتَاوِيِّ إِذَا أَرَادَ أَنْ يَقْطَعَ إَصْبَعًا زَالِدَةً أَوْ شَيْئًا آخَرَ قَالَ أَبُو نَصْرِ رَحِمَهُ اللَّهُ تَعَالَى إِنْ كَانَ الْغَالِبُ عَلَى مَنْ قَطَعَ مِثْلَ ذَلِكَ الْهَلَاكِ فَإِنَّهُ لَا يَفْعَلُ لِأَنَّهُ تَعْرِضُ النَّفْسَ لِلْهَلَاكِ * وَ إِنْ كَانَ الْغَالِبُ هُوَ النِّجَاحَةُ فَهُوَ فِي سَعَةٍ مِنْ ذَلِكَ (فَتَاوِي قَاضِيخَان، ج 3، ص 313، دار الكتب العلمية)

أَدَخَلَ الْمَرْأَةَ فِي أَصْغِيهِ لِلتَّدَاوِي قَالَ أَبُو حَنِيفَةَ رَحِمَهُ اللَّهُ تَعَالَى لَا يَجُوزُ وَعِنْدَ أَبِي يُوسُفَ رَحِمَهُ اللَّهُ تَعَالَى يَجُوزُ وَعَلَيْهِ الْقَفْوَى كَذَا فِي الْخُلَاصَةِ الْفَتَاوِيِّ الْهِنْدِيَّةِ، ج 5، ص 356) وَالحاصل: أن كل ما يفعل في الجسم من زيادة أو نقص من أجل الزينة بما يجعل الزيادة أو النقصان مستمرا مع الجسم، وما يبدو منه أنه كان في أصل الخلقة هكذا؛ فإنه تلبس وتغيير منهي عنه. وأما ما تزينت به المرأة لزوجها من تجميل الأيدي، أو الشفاه أو الرضين بما لا يلبس بأصل الخلقة، فإنه ليس داخلا في النهي عند جمهور العلماء. وأما قطع الإصبع الزائدة ونحوها؛ فإنه ليس تغييرا لخلق الله، وإنه من قبيل إزالة العيب أو مرض، فأجازته أكثر العلماء خلاف لبعضهم (تكملة فتح الملهم، ج 5، ص 116، دار القلم)

فَإِنْ أَصَابَ امْرَأَةً جَرَحٌ أَوْ قَرْحَةٌ فِي مَوْضِعٍ لَا يَحِلُّ لِلرَّجُلِ أَنْ يَنْظُرَ إِلَيْهِ فَلَا بَأْسَ بِأَنْ يَعْلَمَ امْرَأَتُهُ دَوَاءَ ذَلِكَ الْجَرَحِ... فَإِنْ لَمْ يَجِدُوا امْرَأَةً تَدَاوِي الْجَرَحَ الَّذِي بِهَا أَوْ الْقَرْحَةَ وَ لَمْ يَقْدِرُوا عَلَى امْرَأَةٍ تَعْلَمُ ذَلِكَ، وَ خَافُوا عَلَى الْمَرْأَةِ الَّتِي بِهَا الْجَرَحُ أَوْ الْقَرْحَةُ أَنْ تَهْلِكَ أَوْ يَصِيبَهَا بِلَاءٌ أَوْ دَخَلَهَا مِنْ ذَلِكَ وَجِعٌ لَا يَحْتَمِلُ، أَوْ لَمْ يَكُنْ يَدَاوِي الْمَوْضِعَ إِلَّا رَجُلًا، فَلَا بَأْسَ بِأَنْ يَسْتَرْ مِنْهَا كُلَّ شَيْءٍ إِلَّا مَوْضِعَ الْجَرَحِ أَوْ الْقَرْحَةَ ثُمَّ يَدَاوِي الرَّجُلَ وَ يَغْضُ بَصَرَهُ بِمَا اسْتَطَاعَ عَنْ عَوْرَةٍ، وَ ذَاتِ مَحْرَمٍ وَ غَيْرِهَا فِي ذَلِكَ سِوَاهُ كِتَابِ الْأَصْلِ لِلْإِمَامِ مُحَمَّدِ بْنِ الشَّيْبَانِيِّ، ج 2، ص 238-239، دار ابن حزم

قَالَ الْحَصَكِيُّ [وَشَرَاهُ وَمَدَاوَاهُا يَنْظُرُ] الطَّبِيبُ (إِلَى مَوْضِعِ مَرَضِهَا بِقَدْرِ الضَّرُورَةِ) إِذَا الضَّرُورَاتُ تَكْفُذُ بِقَدَرِهَا وَكَذَا نَظَرُ قَائِلَةٍ وَخَتَّانٍ [وَيَنْبَغِي أَنْ يَعْلَمَ امْرَأَتُهُ تَدَاوِيَهَا لِأَنَّ نَظَرَ الْجِنْسِ إِلَى الْجِنْسِ أَخَفُّ قَالَ ابْنُ عَابِدِينَ] (قَوْلُهُ وَيَنْبَغِي إِلَيْهِ) كَذَا أَطْلَقَهُ فِي الْهِدَايَةِ وَالْقَائِلَةِ. وَقَالَ

فِي الْمَوْجُزَةِ: إِذَا كَانَ الْمَرَضُ فِي سَائِرِ بَدَنِهَا غَيْرَ الْفَرْجِ يَجُوزُ النَّظَرُ إِلَيْهِ عِنْدَ الدُّوَاءِ، لِأَنَّهُ مَوْضِعُ ضَرُورَةٍ، وَإِنْ كَانَ فِي مَوْضِعِ الْفَرْجِ، فَيَنْبَغِي أَنْ يَعْلَمَ امْرَأَتُهُ تَدَاوِيَهَا فَإِنْ لَمْ تَوْجَدْ وَخَافُوا عَلَيْهَا أَنْ تَهْلِكَ أَوْ يَصِيبَهَا وَجِعٌ لَا تَحْتَمِلُهُ يَسْتَرَوْا مِنْهَا كُلَّ شَيْءٍ إِلَّا مَوْضِعَ الْعِلَّةِ ثُمَّ يَدَاوِيهَا الرَّجُلُ وَيَغْضُ بَصَرَهُ مَا اسْتَطَاعَ إِلَّا عَنْ مَوْضِعِ الْجَرَحِ أَوْ قَرْحَتِهِ وَالظَّاهِرُ أَنَّ "يَنْبَغِي" هُنَا لِلْيُجُوبِ رَدِّ الْحَتِّ عَلَى الدَّرِ الْخَفِيِّ، ج 9، ص 612، دار المعرفة

وكذا إذا كان بها جرح أو قرح في موضع لا يحل للرجال النظر إليه، فلا بأس أن تداويها إذا علمت المداواة...فإن لم توجد امرأة تعلم المداواة ولا امرأة تتعلم وخيف عليها الهلاك أو بلاء أو وجع لا تحتمله يداويها الرجل، لكن لا يكشف منها إلا موضع الجرح ويغض بصره ما استطاع، لأن الحرمات الشرعية جاز أن يسقط اعتبارها شرعا لمكان الضرورة (بدائع الصنائع ج 6، ص 499، دار الكتب العلمية)

IS SURROGACY PERMISSIBLE?

Q: I have a question about surrogacy. My wife and I have tried for 2 years to have a child, with no positive result. We consulted a specialist fertility doctor, and he said that my wife's womb lining is too thin to carry a baby, reason being she has had TB in the abdomen before, and this situation is irreversible after trying with medication to get the lining thicker. So the way of having our own child is by doing surrogacy he has told us.

The manner in which this is done is by putting an embryo, [which is a fertile egg (from my wife) together with (my) sperm] into another woman's womb, where the baby is developed for + - 9 months, with a contract drawn up, between both the parties involved. My wife is currently on medication for this treatment, at early stage. I would like to know, is this permitted in Islam?

A: Our Imaan is on taqdeer (predestination). Allah Taala in His infinite knowledge knows ahead of time what is to be in the future. Everything comes to be with the decree of Allah Taala. It is compulsory for a believer to submit to the decree of Allah Taala and be happy with it. Allah is Al Hakeem and every decree of Allah is based on His infinite wisdom. What we may feel uncomfortable with may actually be in our own interest.

Allah Taala says: “It could be that you dislike something, when it is good for you; and it could be that you like something when it is bad for you. Allah knows, and you do not know.” (Al Baqarah-216)

While we understand that you want a child. The situation of your wife is not in her control. It is the decree of Allah. Consider the following verses of the Quraan: “To Allah Ta’ala belongs the kingdom of the heavens and the earth. He creates what He wills. He bestows female upon whom He wills, and bestows male upon whom He wills. Or He bestows both males and females, and He renders barren whom He wills. Verily, He is the all-knower and is able (to do all things).” (Surah al-Shurah 48)

Modern advancement in medical science has come forth with many methods in treating infertility some of which would be permissible in extreme circumstances such as IVF (with the condition that only the husband and wife are involved in the procedure) whilst other procedures such as surrogacy are totally impermissible. In principle, all forms of partial and commercial surrogacy are not permissible, since surrogacy involves introducing the sperm of a male into the uterus of a woman to whom he is not married (even though the embryo may be fertilized with ones wife’s egg) and, thus, it clearly falls under the specific category of transgressing the bounds of Allah as stated in the Quraan:

“Successful indeed are the believers. (1) And those who guard their chastity (5) Except from their wives or from those (bondwomen who are) owned by their hands, as they are not to be blamed. (6) But whoever seeks beyond that, then those are the transgressors (7)(Surah al-Muminoon)”

By introducing a third party into the equation, this procedure throws into confusion the issue of the identity of the child. In Islam, every child has a right to a definite parentage, namely, that of a father and mother. In the case of surrogate motherhood, the question arises as to the identity of the real mother of the child. Is she the genetic mother who provides the egg from which the child is born, or is she the woman whose womb serves as a carrier for the child and provides tillage to the embryo? Further, it may also lead to legal fights over the parentage of the child, as is a common scenario.

Finally, the entire procedure amounts to dehumanizing the process of human procreation by reducing the womb down to the level of a commodity that can be bought or rented for service. Ultimately, such a process, yet again, violates the dignity and honour that Allah Almighty has bestowed on man and woman. Our advice is adopt only permissible means in searching for your taqdeer. There is barakah and blessings in that.

WHAT IS THE RULING ON LASER LIPOSUCTION?

Q: I wanted to ask if laser liposuction is allowed in Islam? I gave birth months ago and due to that, I have put on a lot weight and not losing it. The area I would like to do is my stomach as it is very big and floppy now. I also have a bad knee problem due to my weight. I have tried dieting but haven't worked, and I can't do much exercise because of my asthma which I had since birth and gets quiet bad when I work out even a little. My husband says I have gone really big and I need to do something about it. So would this be permissible?

A: WebMD explains the procedure of laser liposuction as follows: "Laser liposuction uses lasers to liquefy the fat before it is removed, making it easier to vacuum out via liposuction. Lasers may also stimulate the production of collagen and elastin, which results in firmer, tighter, and smoother skin. Lasers may also coagulate small blood vessels in the area, which translates to less bruising."

Based on these details, this procedure will still require surgical methods used in conventional liposuction (by making a small incision) in order to pierce through the skin and suck out the fat through a vacuum. From the Islamic point of view, there is no hindrance from shari'ah in using non-surgical means to beautify one's outer appearance. On the other hand, using surgical means merely to improve one's outer appearance will not be permitted unless one feels there is a medical need or one needs to rectify a physical defect that might become detrimental to one's own health. As such, if you feel that you require this procedure due to your weight causing a knee problem, it will be permissible for you to go through with this procedure.

MANN, DENISE. "DEBATE ON LASER LIPOSUCTION TO REMOVE FAT", WEBMD, ACCESSED ON NOVEMBER 6, 2013

JADID FIQHI MASAAIL, VOL. 1, PG. 208;

وَالْحَاصِلُ: أَنَّ كُلَّ مَا يَفْعَلُ فِي الْجَسْمِ مِنْ زِيَادَةٍ أَوْ نَقْصٍ مِنْ أَجْلِ الزَّيْنَةِ مَا يَجْعَلُ الزِّيَادَةَ أَوْ النِّقْصَانَ مُسْتَعْرَا مَعَ الْجَسْمِ، وَبِمَا يَبْدُو مِنْهُ (أَنَّهُ كَانَ فِي أَوَّلِ الْخَلْقَةِ هَكَذَا فَالْه تَلْبِيسُ وَتَغْيِيرُ مِنْهُي عَنْهُ). (تَكْمِلَةُ فَتَحِ الْمُلْهِمِ، ج 5، ص 116، دَارُ الْقَلَمِ وَلِأَصْلُهُمْ وَلَمْ يَنْهَيْهُمْ وَلَمْ يَنْهَيْهُمْ فَلْيَبْتَغُوا أَكَانَ الْأَنْعَامُ وَلَمْ يَنْهَيْهُمْ فَلْيَبْتَغُوا خَلَقَ اللَّهُ: قَالَ: حَدَّثَنَا [أَبُو عَبْدِ اللَّهِ الْمُعَدَّلُ حَدَّثَنَا «3» عُبَّاسُ بْنُ مُعَدِّ حَدَّثَنَا أَبُو مَالِكٍ النَّخَعِيُّ عَنْ عُمَرَ بْنِ إِسْمَاعِيلَ، فَذَكَرَهُ. قَالَ الدَّارَقُطْنِيُّ: وَرَوَاهُ عَبْدُ الصَّغِيرِ بْنُ النُّعْمَانِ عَنْ أَبِي مَالِكٍ النَّخَعِيِّ. وَأَمَّا وَأَمَّا الْخِصَاءُ مِنَ الدَّامِيِّ فَمُصِيبَةٌ، فَإِنَّهُ إِذَا خُصِيَ نَظَلَ قَلْبُهُ وَقُوَّتُهُ، عَكَسَ الْحَيَوَانَ، وَانْقَطَعَ نَسْلُهُ الْمَأْمُورُ بِهِ فِي قَوْلِهِ عَلَيْهِ السَّلَامُ: (تَنَاقَضُوا تَنَاسَلُوا فَإِنِّي مُكَافِّرٌ بَيْنَكُمْ أَلَمْتُ لَمْ أَنْ فِيهِ أَلَمًا عَظِيمًا زَمًا يُفْضِي بِصَاحِبِهِ إِلَى الْهَلَاكِ، فَيَكُونُ فِيهِ تَضْيِيعٌ مَالٍ وَإِذْهَابٌ نَفْسٍ، وَكُلُّ ذَلِكَ مِنْهُي عَنْهُ. لَمْ يَهْذِهِ مُثْلُهُ، وَقَدْ نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ الْمُثْلَةِ وَهُوَ صَحِيحٌ. وَقَدْ كَرِهَ جَمَاعَةٌ مِنْ فَقْهَاءِ الْحِجَازِيِّينَ وَالْكُوفِيِّينَ شِرَاءَ الْخَصِيِّ مِنَ الصَّقَالِبَةِ وَغَيْرِهِمْ وَقَالُوا: لَوْ لَمْ يُشْتَرَوْا مِنْهُمْ لَمْ يُخْصَوْا. وَلَمْ يَخْتَلِفُوا أَنْ خِصَاءَ بَنِي آدَمَ لَا يَبْلُ وَلَا يَجُوزُ لِأَلَّةٍ مُثْلُهُ وَتَغْيِيرُ لِقَلْبِي إِلَهُ تَعَالَى، وَكَذَلِكَ قَطَعَ سَائِرُ أَعْضَائِهِمْ فِي غَيْرِ حَدٍّ وَلَا قُودٍ تَفْسِيرُ الْقُرْطُبِيِّ، سُورَةُ النِّسَاءِ، وَلَمْ يَنْهَيْهُمْ فَلْيَبْتَغُوا أَكَانَ الْأَنْعَامُ يَشْقُونَهَا لِتَحْرِيمِ مَا أَحَلَّ اللَّهُ وَهِيَ عِبَارَةٌ عَمَّا كَانَتْ الْعَرَبُ تَفْعَلُ بِالْبَحَائِرِ وَالسَّوَابِغِ، وَإِشَارَةٌ إِلَى تَحْرِيمِ مَا أَحَلَّ وَنَقْصِ كُلِّ مَا خَلَقَ كَامِلًا بِالْفِعْلِ أَوْ الْقُوَّةِ. وَلَمْ يَنْهَيْهُمْ فَلْيَبْتَغُوا خَلَقَ اللَّهُ عَنْ وَجْهِهِ وَصُورَتِهِ أَوْ صِفَتِهِ. 119

ويندرج فيه ما قيل من فقه عَنِ الْحَامِي، وَخِصَاء الْعَبِيد، وَالْوُشْم، وَالْوُثْر، وَاللُّوَاط، وَالسَّحْق، وَنَحْو ذَلِكَ وَعِبَادَةُ الشَّمْس، وَالْقَمَر، وَتَغْيِيرِ فِطْرَةِ اللَّهِ تَعَالَى الَّتِي هِيَ الْإِسْلَام، وَاسْتِعْمَالُ الْجَوَارِحِ وَالْقَوَى فِيهَا لَا يَعُودُ عَلَى النَّفْسِ كَمَا لَا يَجُوزُ لَهَا مِنَ اللَّهِ سُبْحَانَهُ وَتَعَالَى زَلْفَى

JADID FIQHI MASAAIL, VOL. 1, PG. 219 (تفسير البيضاوي، سورة النساء، 119)

و لا بأس بشق المثانة إذا كان فيها حصاة و في الكيسانيات في الجراحات المخوفة و القروح العظيمة و الحصاة الواقعة في المثانة و نحوها من العلل إن قيل قد ينجو و قد يموت أو ينجو و لا يموت تعالج * و إن قيل لا ينجو أصلاً لا تدأوى بل تترك و يباح قطع اليد للأكلة * رجل له سلعة أو حجر فأراد أن يستخرجه و يخاف منه الموت قال أبو يوسف رحمه الله تعالى إن كان فعله أحد فنجاً فلا بأس بأن يفعل لأنه يكون معالجة و لا يكون تعريضاً للهلاك

و في الفتاوي إذا أراد أن يقطع إصبعا زائدة أو شيئاً آخر قال أبو نصر رحمه الله تعالى إن كان الغالب على من قطع مثل ذلك الهلاك فإنه لا يفعل لأنه تعريض النفس للهلاك * و إن كان الغالب هو النجاة فهو في سعة من ذلك فتاوي قاضيخان، ج 3، ص 313، دار الكتب العلمية أدخل المراجعة في أضيقه للفتاوي قال أبو حنيفة رحمه الله تعالى لا يجوز وعند أبي يوسف رحمه الله تعالى يجوز وعليه الفتوى كذا في الخلاصة الفتاوي الهندية، ج 5، ص 356

IS DONATING AND RECEIVING BLOOD PERMISSIBLE?

Q: I would like to know if donating and receiving blood is permissible in Islam?

A: It is permissible to donate and transfuse blood if:

- a) There is a desperate need to donate blood; b) There is no other alternative; and
- c) This has been prescribed by an expert medical practitioner.

This permissibility is based on the principal of ‘necessity relaxes prohibition’. (Al-Ashbaah).

However, the permissibility of blood donation and blood transfusion is determined by the following conditions:

- a) The donor willingly donates his blood. If he is compelled to do so, it will not be permissible;

- b) There is no danger to his (the donor's) life or health;
- c) If the doctor feels that the patient will lose his life and there is no other alternative but recourse of blood transfusion; and
- d) There is no fear of death but the recovery is not possible without blood transfusion.

It is not permissible to sell one's blood or to pay the blood donor. However, if one is in need of blood desperately and the only means to obtain the blood is to purchase it, then only will it be permissible to pay for the blood.

NB. Blood donation and blood transfusion is not permissible for the sake of beautification or for any other reason other than genuine necessity.

قال في النهاية و في التهذيب يجوز للعليل شرب البول والدم والميتة لالتداوي اذا اخره طبيب مسلم ان فيه شفاؤه
ولم يجد مباح م يقوم مقامه وان قال الطبيب: يتعجل شفاؤه به فيه وجهان (رد المحتار 5/ 228، سعيد
فتاوي دار العلوم زكريا 6/788 فتاوي هندية 5/355
جواهر الفقه 7/46)

WHAT IS THE RULING FOR CELEBRATING ASHURA?

Q: What is the ruling for celebrating ashura and is it correct to say the ummayyads introduced this?

A : Fasting on the day of Ashura (10th of Muharram) is a beloved Sunnah of Rasulullah Sallallahu Alayhi Wasallam. Rasulullah Sallallahu Alayhi Wasallam emphasized greatly on the virtue and significance of this day. Some virtues are as mentioned hereunder:

The Messenger of Allah used to fast the first nine days of Dhul-Hijjah, Ashura' and three days of every month, that is, the first Monday (of the month) and Thursday.

Fast the Day of Ashura, for indeed I anticipate that Allah will forgive (the sins of) the year before it." I never saw the Prophet seeking to fast on a day more (preferable to him) than this day, the day of 'Ashura', or this month, i.e. the month of Ramadan. However, to believe that the Umayyads introduced this is a misconception made by the Shia. Sayyidina Husain Radhiallahu Anhu, the son of Ali Radhiallahu Anhu was martyred on this very day in the year 61 A.H at the incident of Karbala. Hence, they tend to celebrate this day as a commemoration for Sayyidina Husain Radhiallahu Anhu.

The day of Ashura and its significance was introduced much before the death of Husain Radhiallahu Anhu. This is proven by many Ahadith and by Rasulullah Sallallahu Alayhi Wasallam himself who passed away in 11 A.H.

Allah's Messenger came to Medina, he found the Jews observing the fast on the day of Ashura. They (the Jews) were asked about it and they said: It is the day on which Allah granted victory to Musa and (his people) Bani Isra'il over the Pharaoh and we observe fast out of gratitude to Him. Upon this the Messenger of Allah said: We have a closer connection with Musa than you have, and he (Allah's Messenger) commanded to observe fast on this day.

The people used to fast on 'Ashura (the tenth day of the month of Muharram) before the fasting of Ramadan was made obligatory. And on that day the Ka'ba used to be covered with a cover. When Allah made the fasting of the month of Ramadan compulsory, Allah's Messenger said, "Whoever wishes to fast (on the day of 'Ashura') may do so; and whoever wishes to leave it can do so."

"The Prophet sent a messenger to the village of the Ansar in the morning of the day of 'Ashura' (10th of Muharram) to announce: 'Whoever has eaten something should not eat but complete the fast, and whoever is observing the fast should complete it.' "She (the narrator Rubayyi Bint Muawwiz) further said, "Since then we used to fast on that day regularly and also make our boys fast. We used to make toys of wool for the boys and if anyone of them cried for, he was given those toys till it was the time of the breaking of the fast." During the Pre-Islamic Period of ignorance the Quraish used to observe fasting on the day of 'Ashura', and the Prophet himself used to observe fasting on it too. But when he came to Medina, he fasted on that day and ordered the Muslims to fast on it. When (the order of compulsory fasting in) Ramadan was revealed, fasting in Ramadan became an obligation, and fasting on 'Ashura' was given up, and whoever wished to fast (on it) did so, and whoever did not wish to fast on it, did not fast.

It is evident that the fasting of Ashura was introduced even before Rasulullah Sallallahu Alayhi Wasallam's time. This was originally the obligatory fast before fasting in the month of Ramadan was introduced. Allamah Ibn Katheer Rahimahullah also mentions the corrupt beliefs of the Shias on the day of Ashura in his Tareekh whilst discussing the death of Sayyidina Husain Radhiallahu Anhu: The Rafidah (Shia) transgressed the bounds in the Buyid Dynasty around

the year 400. Drums would be beaten in Baghdad etc on the day of 'Ashura, and ashes and crushed wheat would be dispersed on the roads and markets. Haircloths would be hung in the stores, and the people would show grief and tears, and many of them would not drink water on that night in imitation of Husain as he was killed while thirsty. Then the women would come out exposing their faces, wailing, striking their faces and their chests, walking barefooted in the markets. And other such revolting innovations and repulsive fancies and innovated violations [would take place]. They only intended by this and the likes of this to disfigure the Umayyad Dynasty, because he was killed during their reign. The Nawasib from the people of the Levant did the reverse of the Rafidah and Shi'ah on the day of 'Ashura. Thus they would leading up to the day of 'Ashura cook crops and bathe and apply fragrance and wear their best clothing and they would treat that day as an Eid, preparing various dishes on it, and they would display happiness and delight; intending thereby to spite the Rawafid and do the opposite of them.

- It is important to note that when fasting on the day of Ashura, one should combine a fast either on the day before it or after it in order to avoid imitation of the Jews.

حَدَّثَنَا مُسَدَّدٌ، حَدَّثَنَا أَبُو عَوَانَةَ، عَنِ الْحَرِّ بْنِ الصَّبَاحِ، عَنْ هُثَيْبَةَ بْنِ خَالِدٍ، عَنِ إِسْرَافِيلَ، عَنْ بَعْضِ أَزْوَاجِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ - 2437
وَسَلَّمَ قَالَتْ: «كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَصُومُ يَوْمَ ذِي الْحِجَّةِ، وَيَوْمَ عَاشُورَاءَ، وَثَلَاثَةَ أَيَّامٍ مِنْ كُلِّ شَهْرٍ، أَوَّلَ الثَّانِي مِنَ الشَّهْرِ
(وَالْقَمِيصِ)» (أبو داود)

حَدَّثَنَا عُثَيْبٌ، وَأَخْبَدُ بْنُ عَبْدِ الصَّبَاحِ، قَالَا: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ، عَنْ غِلَاظِ بْنِ جَرِيرٍ، عَنْ عَبْدِ اللَّهِ بْنِ مَعْبُدٍ، عَنْ أَبِي قَتَادَةَ، أَنَّ النَّبِيَّ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: صِيَامُ يَوْمِ عَاشُورَاءَ، إِنِّي أَحْتَسِبُ عَلَى اللَّهِ أَنْ يُكَفِّرَ السَّنَةَ الَّتِي قَبْلَهُ. (ترمذي)

(صحيح البخاري) (44 / 3)

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُوسَى، عَنْ ابْنِ عُيَيْنَةَ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي يَزِيدٍ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا، قَالَ: «مَا رَأَيْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ يَتَعَرَّى صِيَامَ يَوْمِ قُضِلَهُ عَلَى غَيْرِهِ إِلَّا هَذَا الْيَوْمَ، يَوْمَ عَاشُورَاءَ، وَهَذَا الشَّهْرُ يَعْنِي شَهْرَ رَمَضَانَ
[صحيح مسلم، كتاب الصيام، باب فضل يوم عاشورا، مكتبة رحمانية]

(صحيح البخاري (2/ 148)

حَدَّثَنَا يَحْيَى بْنُ يَكْفَرٍ حَدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا، وَحَدَّثَنِي مُحَمَّدُ بْنُ مُقَاتِلٍ قَالَ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ إِسْمَاعِيلَ قَالَ: أَخْبَرَنَا مُحَمَّدُ بْنُ أَبِي حَفْصَةَ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: كَانُوا يَصُومُونَ عَاشُورَاءَ قَبْلَ أَنْ يُقَرَضَ رَمَضَانُ، وَكَانَ يَوْمًا نُسِّرُ فِيهِ الْكُفْبَةَ [ص: 149]، قُلْنَا قَرَضَ اللَّهُ رَمَضَانَ، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ شَاءَ أَنْ يَصُومَهُ فَلْيَصُومْهُ، وَمَنْ شَاءَ أَنْ يَتَزَكَّهُ فَلْيَتَزَكَّهُ» صحيح البخاري حَدَّثَنَا مُسَدَّدٌ، حَدَّثَنَا يَشْرُ بْنُ الْمَقْصِلِ، حَدَّثَنَا خَالِدُ بْنُ دُرَّكَانٍ، عَنْ الرَّبِيعِ بْنِ مَعْرُوفٍ، قَالَ: أَرْسَلَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ غَدَاةَ عَاشُورَاءَ إِلَى قُرَى الْأَنْصَارِ

مَنْ أَصْبَحَ مُفْطِرًا، فَلْيَتِمَّ بَقِيَّةَ يَوْمِهِ وَمَنْ أَصْبَحَ صَائِمًا، فَلْيَصُومْ». قَالَتْ: فَكُنَّا نَصُومُهُ بَعْدَ، وَنُصُومُ صَبَاتِنَا، وَنَجْعَلُ لَهُمُ اللَّعْبَةَ مِنَ الْعَيْنِ، فَإِذَا بَكَى أَحَدُهُمْ عَلَى الطَّعَامِ أَطْعَمْنَاهُ ذَلِكَ حَتَّى يَكُونَ عِنْدَ الْإِفْطَارِ صحيح البخاري

وَحَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَوَاتِيُّ، حَدَّثَنَا ابْنُ أَبِي مَرْزَمٍ، حَدَّثَنَا يَحْيَى بْنُ الْيُوبِ، حَدَّثَنِي إِسْمَاعِيلُ بْنُ أُمَيْةَ، أَنَّهُ سَمِعَ أَبَا (1134) - 133 غَطَفَانَ بْنَ طَرِيفٍ الْعُمَرِيَّ، يَقُولُ: سَمِعْتُ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: حِينَ صَامَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَوْمَ عَاشُورَاءَ وَأَمَرَ بِصِيَامِهِ قَالُوا: يَا رَسُولَ اللَّهِ إِنَّهُ يَوْمٌ تَعْظُمُهُ الْيَهُودُ وَالنَّصَارَى فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

(إِذَا كَانَ الْعَامُ الْمُفْقِلُ إِنْ شَاءَ اللَّهُ صَعْنَا الْيَوْمَ النَّاسِجَ قَالَ: فَلَمْ يَأْتِ الْعَامُ الْمُفْقِلُ، حَتَّى قُوِيَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ (مسلم) : وَرُوِيَ عَنِ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ: صُومُوا النَّاسِجَ وَالْعَاشِرَ وَخَالِفُوا الْيَهُودَ. (ترمذي السُّنَنِ: الَّذِي يُضْرَبُ بِهِ مَعْرُوفٌ، وَالْجَمْعُ أَشْيَافٌ وَسُيُوفٌ وَأَسْيُفٌ، عَنِ الْخُثَيْيَاتِ؛ وَأَنشد الأزهري في جَمْعِ أَشْيُفٍ: كَانَهُمْ أَشْيُفٌ بِيضٌ بِمَانِيَةٍ... غَضِبَ مُضَارِبُهَا بَاقِي بِهَا الْأَثَرُ

وَأَشْيَافُ الْقَوْمِ وَتَسَايَفُوا: تَضَارَبُوا بِالسُّيُوفِ. وَقَالَ ابْنُ جَنِّي: اشْتَفَاوا تَنَاوَلُوا السُّيُوفَ كَقَوْلِكَ امْتَشَفَاوا سُبُوفَهُمْ وَامْتَحَطَّوْهَا، قَالَ: فَأَمَّا تَفْسِيرُ أَهْلِ اللَّفْظِ أَنَّ أَشْيَافَ الْقَوْمِ فِي مَعْنَى تَسَايَفُوا فَتَفْسِيرُهُ عَلَى الْمَعْنَى كَمَا ذَكَرْتُهُمْ فِي أَمْثَالِ ذَلِكَ لِسَانِ الْعَرَبِ ج 4، ص 774، دار الحديث السُّنَنِ، الَّذِي يُضْرَبُ بِهِ، م مَعْرُوفٌ، وَأَشْيَافُهُ تُنْفِثُ عَلَى أَلْفٍ، وَذَكَرْتُهَا فِي الرُّوضِ الْمُتَسَلِّفِ فِيمَا لَهُ اشْتِمَانٌ إِلَى الْأَلُوفِ، ج 1، أَشْيَافٌ، (وَسُيُوفٌ، وَعَلَيْهِمَا الْقَتَرُ الْجَوْهَرِيُّ)، وَأَسْيُفٌ، وَهَذِهِ عَنِ الْخُثَيْيَاتِ، (وَمَسْيُفَةٌ، كَمَسْيُفَةٍ، وَشَاهِدُ) أَشْيُفٌ قَوْلُ الشَّاعِرِ، أَكْشَدُ الْأَزْهَرِيِّ كَالْهَمِّ أَشْيُفٌ بِيضٌ بِمَانِيَةٍ... غَضِبَ مُضَارِبُهَا بَاقِي بِهَا الْأَثَرُ

وَسَافَةٌ، يُسَيِّفُهُ: ضَرَبَهُ بِهِ، وَقَدْ سَافَهُ، فَأَنَا سَائِفٌ، نَقَلَهُ الْجَوْهَرِيُّ، وَهُوَ قَوْلُ الْقَرَاءِ وَتَذَكُّرُ: رَمَحْتُهُ، وَنَقَلَهُ الْكِسَائِيُّ أَيْضًا. وَرَجُلٌ سَائِفٌ: دُو سَيْفٍ، نَقَلَهُ الْجَوْهَرِيُّ تَاجُ الْعُرُوسِ، ج 12، ص 291، دار الفكر

WHEN DOES THE DISTANCE OF SAFAR BEGIN?

Q: A person lives in london. Does he become musafir 48 miles from his house or is it 48 miles from his city london. I wanted to ask a person is a musafir and is returning home. Does his musafir benefits end when he enters a city like london or does it end when he is within 48 miles radius of his city london.

In principle, when a person makes the intention of travelling 48 miles or more from his residence, he will be regarded as a *musāfir* once he leaves the city limits, meaning the furthest residential buildings of the city. The count of 48 miles will commence from leaving one's residence with the intention of *safar* (travel). However, in order for one to be regarded as a *musāfir*, it is a condition that he leaves the city limits.

Hence, if one travels 48 miles from his residence but remains within the city limits, he will not be regarded as a *musāfir*. If, on the other hand, a person has the intention of travelling over 48 miles from his residence and before completing 48 miles he has left the city, he will be regarded as a *musāfir* and will only begin to make *qasr* from that point on. This is regardless of whether his journey exceeds 48 miles from the boundaries of the city or not. If a *musāfir* is returning to his hometown of London, his *safar* will only terminate once he has re-entered the city limits. When he is within a 48 miles radius of the city, he will still be regarded as a *musāfir*.

Note: The distance of 48 miles in the above answer refers to Shar'ī miles. In terms of standard English miles, this amounts to 55 miles (88.8 km). (See below research)

The Distance of Safar According to the Hanafī Madhhab:

The original position of the Hanafī madhhab is that a person becomes a *musāfir* once he crosses the furthest residential buildings of his city or village with the intention of travelling a distance of three days. Hence, a three-day journey is regarded as the distance of *safar*. This is calculated based on a moderate paced walk or a camel ride between dawn and zenith of the three shortest days of the year in lands along or near the equator. If this distance is covered in a shorter length of time, one will be regarded as a *musāfir* despite not

having travelled for a full three days. The original madhhab did not stipulate any fixed measure for this distance. However, when it became difficult for common Muslims to estimate when exactly a “three-day journey” has been completed, the senior jurists stipulated fixed measurements for the safar distance. Three views in particular became popular:

1. 15 Farsakhs
2. 18 Farsakhs
3. 21 Farsakhs

The majority of the imāms of Khawārizm favoured the first view and gave fatwā according to it. This view has also been reported from Imām Muhammad , and Imām al-Kāsānī (d. 587 H) supports it in his *Badā’i’ al-Sanā’i’*, stating that approximately 5 farsakhs are normally traversed in one day of travel. Most of the senior jurists favoured the second view and gave fatwā on it, including the author of *al-Muhīt al-Burhānī*, Imām Burhān al-Dīn Mahmūd Ibn Māzah al-Bukhārī (d. 616 H), and the author of *al-Hidāyah*, Imām Burhān al-Dīn al-Mar-ghinānī (d. 593 H).

A farsakh is equivalent to 3 Shar’ī miles. 1 Shar’ī mile amounts to 4000 cubits or approximately 2000 yards. This equates to 1.15 English miles or 1.85 km . Hence, 15 farsakhs (45 Shar’ī miles) is equal to 51.7 English miles or 83.3 kilometres, and 18 farsakhs (54 Shar’ī miles) is equal to 62 English miles or 99.9 kilometres.

Imām Mālik narrates in his *Muwatta’* from Ibn ‘Umar (may Allāh be pleased with him) and Ibn ‘Abbās (may Allāh be pleased with him) that they would regard the distance of safar as 4 barīds . Imām al-Bukhārī also narrates this view in his *Sahīh* from them .

Moreover, Imām Muhammad narrates with an authentic chain from Ibn ‘Umar (may Allāh be pleased with him) that he regarded the safar distance as a moderate three-day journey. Mawlānā Zafar Ahmad al-Thānawī states that this suggests that a moderate three-day journey is the same as a journey of four barīds according to him. 1 barīd is equal to 4 farsakhs or 12 Shar‘ī miles. Hence, 4 barīds amounts to 48 Shar‘ī miles. This is equivalent to 55 English miles or 88.8 kilometres.

The view of 4 barīds was upheld by Imām Mālik, Imām Ahmad and Imām al-Shāfi‘ī according to one transmission from him . Moreover, it is supported by a narration from the Prophet (peace be upon him) himself, albeit with a problematic chain. This is not very different from the view of 15 farsakhs which was reported from Imām Muhammad, supported by Imām al-Kāsānī and on which the imāms of Khawārizm gave fatwā. Based on these considerations, many of the senior jurists of Deoband favoured the view of 4 barīds or 48 Shar‘ī miles. Hence, Mawlānā Rashīd Ahmad Gangohī supported this view , followed by ‘Allāmah Anwarshāh al-Kashmīrī , ‘Allāmah Shabbīr Ahmad al-‘Uthmānī , Mawlānā Zakariyyā al-Kāndhlewī , Mawlānā Yūsuf al-Binnorī and Mawlānā Zafar Ahmad al-‘Uthmānī . It is also the favoured view of Shāh Walīullāh al-Muhaddith al-Dehlawī.

Hence, the view of 4 barīds or 48 Shar‘ī miles (55 miles/88.8 kilometres) is the favoured view according to us.

ومن أسلم منهم في دار الحرب، فلم يأسروه بل تركوه على حاله أو لم يعلموا بإسلامه، فهو في صلاته بمنزلة المسلم في دار الإسلام: يتم صلاته إذا كان في منزله، فإن خرج من منزله قاصدا مسيرة السفر قصر الصلاة (أي: بعد الخروج من المصر) (المحيط البرهاني، إدارة القرآن، ج2 ص400)

السفر الذي تتغير به الأحكام...أن يقصد الإنسان موصعا بينه، أي: بين القاصد، وبين ذلك الموضع مسيرة ثلاثة أيام...ومن خرج مسافرا صلى ركعتين إذا فارق بيوت المصر (اللباب في شرح الكتاب، دار البشائر الإسلامية، ج2 ص236-9)

ودل عليه ما في الأوجز: وقال الشوكاني:....واختلفوا فيما قبل الخروج من البيوت، فذهب الجمهور إلى أنه لا بد من مفارقة جميع البيوت، وذهب بعض الكوفيين إلى أنه إذا أراد السفر يصلي ركعتين ولو كان في منزله...وفي المغني لابن قدامة:....وعن عطاء وسليمان بن موسى أنهما كانا يبيحان القصر في البلد لمن نوى السفر، وعن العارث بن أبي ربيعة أنه أراد سفرا فصلى بالجماعة في منزله ركعتين، وفيهم الأسود

بن يزيد وغير واحد من أصحاب عبد الله، وعن عطاء أنه قال: إذا دخل عليه وقت صلاة بعد خروجه من منزله قبل أن يفارق بيوت المصر يباح له القصر، وقال مجاهد: إذا ابتدأ السفر بالنهار لا يقصر حتى يدخل الليل وإذا ابتدأ بالليل لا يقصر حتى يدخل النهار (أوجز المسالك، دار القلم، ج 3 ص 190-189)

(من قصد سيرا وسطا ثلاثة أيام ولياليها وفارق بيوت بلده...قصر فرضه الرباعي (شرح الوقاية، مؤسسة الوراق، ص 6-175

(فعرفنا أن الشرط للقصر واعتبار الرجل مسافرا) أن يتخلف من عمرات المصر (المحيط البرهاني، إدارة القرآن، ج 2 ص 387

قلت: رأيت المسافر هل يقصر الصلاة في أقل من ثلاثة أيام؟ قال: لا. قلت: فإن سافر مسيرة ثلاثة أيام فصاعدا؟ قال: يقصر الصلاة

حين يخرج من مصر (الأصل للإمام محمد دار ابن حزم، ج 1 ص 231) فإذا قصد مسيرة ثلاثة أيام قصر الصلاة حين تخلف عمران المصر لأنه ما دام في المصر فهو نأوى السفر لا مسافرا، فإذا جاوز عمران المصر صار مسافرا لاقتزان التنية بعمل السفر (المبسوط، دار المعرفة، ج 1 ص 236) قال علماءنا رحمهم الله تعالى: أدناها مسيرة ثلاثة أيام ولياليها...والمعنى في ذلك أن القصر في السفر لمكان الحرج والمشفقة، والحرج وحمله على أن يحمل رحله من غير أهله ويحطه في غير أهله، وذلك لا يتحقق فيما دون الثلاث، لأن في اليوم الأول يعمل من أهله، وفي اليوم الثاني

إذا كان في مقصده يحطه في أهله، وإنما يتحقق في الثلاث، لأن في اليوم الثاني يعمل رحله من غير أهله ويحطه من غير أهله فيتحقق معنى الحرج فلذلك قدر بثلاثة أيام ولياليها (المحيط البرهاني، إدارة القرآن، ج 2 ص 385) والفقهاء في تقدير المدة بثلاثة أيام أن الرخصة شرعت لإزالة مشقة الوحدة - وهو الإرتحال من عند غير أهل والنزول في غيرهم - وذلك في اليوم الثاني، لأن في اليوم الأول: الإرتحال من أهل والنزول في غيرهم، وفي اليوم الثاني: الإرتحال من غيرهم والنزول فيهم. وهذا إما يتصور إذا كان له أهل في الموضع الذي قصد (الجوهرة النيرة، مكتبة حقايق، ص 102) أحسن الفتاوى، ج 4 ص

(مسافحت قصر مین 48 میل سے مراد میل شرعی ہے جس کے انگریزی میل تقریباً 54 (فتاویٰ خیر المدارس، ج 2 ص 674

صحیح اور مناسب تر مسافت قصر، مولانا فضل الرحمن الأعظمی، ص 31-1 أحسن الفتاوى، ج 4 ص 100-91

قلت: رأيت المسافر هل يقصر الصلاة في أقل من ثلاثة أيام؟ قال: لا. قلت: فإن سافر مسيرة ثلاثة أيام فصاعدا؟ قال: يقصر الصلاة حين يخرج من مصر. قلت: ولم وقت ثلاثة أيام؟ قال: لأنه جاء أثر عن النبي صلى الله عليه وسلم أنه قال: لا تصافر المرأة ثلاثة أيام إلا ومعها ذو محرم، فقمت على ذلك، وبلغني عن إبراهيم النخعي وسعيد بن جبیر أنهما قالوا إلى المدائني ونحوهما: (الأصل للإمام محمد دار ابن حزم، ج 1 ص 233-232) محمد عن يعقوب عن أبي حنيفة رحمهم الله: رجل خرج من الكوفة إلى المدائن قال: قصر وأفطر، ويقصر في مسيرة ثلاثة أيام ولياليها سير الإبل ومشى الأقدام (الجامع الصغير مع النافع الكبير، إدارة القرآن، 108-109)

قال أبو حنيفة: لا تقصر الصلاة في أقل من ثلاثة أيام ولياليها بسير الإبل ومشى الأقدام، وقال أهل المدينة: تقصر الصلاة في أربعة برد، وذلك لثمانية وأربعون ميلا (الحجة على أهل المدينة، ج 1 ص 166)

(قال أبو جعفر: ومن سافر يريد مسيرة ثلاثة أيام فصاعدا قصر الصلاة إذا جاوز بيوت مصر، وإن سافر يريد دون ذلك لم يقصر (مختصر الطحاوي، ص 33 ولا اعتبار بالفراسخ...على المذهب لأن المذكور في ظاهر الرواية اعتبار ثلاثة أيام كما في الحلبة، وقال في الهداية: هو الصحيح اخترازا عن قول عامة المخايخ (من تقديرها بالفراسخ (رد المحتار، دار عالم الكتب، ج 2 ص 602)

في الدر المختار: مسيرة ثلاثة أيام ولياليها من أقصر أيام السنة، ولا يشترط سفر كل يوم إلى الليل بل إلى الزوال، ولا اعتبار بالفراسخ على المذهب، بالسعي (الوسط مع الإسهالات المعتادة حتى لو أسرع فوصل في يومين قصر (رد المحتار، دار عالم الكتب، ج 2 ص 603-601)

في رد المحتار: المراد من التقدير بأقصر أيام السنة إما هو في البلاد المعتدلة التي يمكن قطع المرحلة المذكورة في معظم اليوم من أقصر أيامها فلا يرد أن أقصر أيام السنة في بلاد بلغار قد يكون ساعة أو أكثر أو أقل فيلزم أن يكون مسافة السفر فيها ثلاث ساعات أو أقل، لأن القصر الفاحش غير معتبر كالطول الفاحش (رد المحتار، دار عالم الكتب، ج 2 ص 602) فنقدره بمسيرة ثلاثة أيام ولياليها من أقصر أيام الشتاء لأن الأيام للمشي والليالي للإستراحة، وبعض المشايخ رحمهم الله قدرها بالفراخ فمنهم من قدرها بخمسة عشر فرسخاً ومنهم من قدرها بثمانية عشر فرسخاً ومنهم من قدرها بأحد وعشرون فرسخاً ومنهم (من قدرها بثلاث مراحل (شرح الجامع الصغير للقاضيخان، ص 298-297

في الدر المختار: مسيرة ثلاثة أيام ولياليها من أقصر أيام السنة ولا يشترط سفر كل يوم إلى الليل بل إلى الزوال، ولا اعتبار بالفراخ على المذهب، بالسعي (الوسط مع الإستراحات المعتادة حتى لو أسرع فوصل في يومين قصر (رد المحتار، دار عالم الكتب، ج 2 ص 603-601 (فإن كان بينه وبين مقصده مسيرة ثلاثة أيام ولياليها ويقصر الصلاة وإن قطعها في أقل منها (شرح الجامع الصغير للقاضيخان، ص 298 وكذا في الفتح من أنه قيل: يقدر بأحد وعشرين فرسخاً وقيل بثمانية عشر، وقيل بخمسة عشر، وكل من قدر منها اعتقد أنه مسيرة ثلاثة أيام أي بناء على اختلاف البلدان، فكل قائل قدر ما في بلده من أقصر الأيام (رد المحتار، دار عالم الكتب، ج 2 ص 60-601

السفر الذي تتغير به الأحكام أن يقصد الإنسان موضعاً بينه وبين مقصده مسيرة السفر ثلاثة أيام يسير الإبل ومشى الأقدام...ط معنى قوله: مسيرة ثلاثة أيام أي مع الإستراحات التي تتخللها، سط ثلاثة أيام من أقصر أيام الشتاء المعتبر سعي العير لأنه الوسط، ط وروي ثلاث مراحل وهو قريب من الأول...وعامة مشايخنا قدروها بالفراخ: إحدى وعشرون فرسخاً وقيل: بثمانية عشر فرسخاً وعليه الفتوى، وقيل: بخمسة عشر، وبه أفتى أكثر أئمة خوارزم، وعن مالك (والشافعي في قول: ستة عشر فرسخاً (المجتبى، مخطوطه 45/ب

واختلفت أقوال الشافعي فيه، قيل: ستة وأربعون ميلاً، وهو قريب من قول بعض مشايخنا، لأن العادة أن القافلة لا تقطع في يوم أكثر من خمسة فراسخ ((بدائع الصنائع، ج 1 ص 468) والفتوى على ثمانية عشر لأنها أوسط الأعداد (المحيط البرهاني، إدارة القرآن، ج 2 ص 385 ثم اختلفوا، فقيل: أحد وعشرون وقيل ثمانية عشر وشيل خمسة عشر، والفتوى على الثاني لأنه الأوسط، وفي المجتبى: فتوى أئمة خوارزم على الثالث (رد المحتار، ج 2 ص 602

قال المرغيناني: وعامة المشايخ قدروها بالفراخ، فقيل: أحد وعشرون فرسخاً وقيل ثمانية عشر فرسخاً، قال المرغيناني: وعليه الفتوى، وقال العتاي في جوامع (الفقه: وهو المختار، وقيل: خمسة عشر فرسخاً، واختيار صاحب الهداية أولى (شرح منية المصلي، ص 535 وقال المرغيناني: وعامة المشايخ قدروها بالفراخ، فقيل: أحد وعشرون فرسخاً، وقيل: ثمانية عشر فرسخاً، قال المرغيناني: وعليه الفتوى (البناء شرح الهداية، دار الكتب العلمية، ج 3 ص 3) الفرسخ ثلاثة أمياله والميل: أربعة آلاف ذراع (رد المحتار، ج 2 ص 602) جواهر الفقه، ج 3 ص 424، أحسن الفتاوى، ج 4 ص 93 وحديثي عن مالك عن ابن شهاب عن سالم بن عبد الله عن أبيه أنه ركب إلى ريم، فقصر الصلاة في مسيرة ذلك، قال يحيى: قال مالك: وذلك نحو من أربعة برد وحديثي عن مالك عن نافع عن سالم بن عبد الله أن عبد الله بن عمر ركب إلى ذات النصب فقصر الصلاة في مسيرة ذلك، قال يحيى: قال مالك: وبين ذات النصب والمدينة أربع برد...وحديثي عن مالك أنه بلغه أن عبد الله بن عباس كان يقصر الصلاة في مثل ما بين مكة والطائف وفي مثل ما بين مكة (وعسفان) وفي مثل ما بين مكة وجدة، قال مالك: وذلك أربعة برد، وذلك أحب ما تقصر إلي فيه الصلاة (أوجز المسالك، دار القلم، ج 3 ص 186-179 (كان ابن عمر وابن عباس يقصران ويفطران في أربعة برد، وهو ستة عشر فرسخاً (صحيح البخاري، مكتبة الملك فهد، ج 1 ص 309 محمد قال: أخبرنا سعيد بن عبيد الطائي عن علي بن ربيعة الوالبي قال: سألت عبد الله بن عمر رضي الله تعالى عنهما: إلى كم تقصر الصلاة...؟ قال: هي ثلاث ليال قواصد، فإذا خرجنا إليه قصرنا الصلاة. قال محمد: وبه نأخذ، وهو قول أبي حنيفة (كتاب الآثار، دار النوادر، ج 1 ص 204) وصححه في إعلال السنن، إدارة القرآن، ج 7 ص 273

قلت: ولا خلاف بينه وبين أثر المت، فإن التحديد بأربعة برد في هذا إما هو من عطاء لا من قول ابن عمر، فلا يلزم منه كون ابن عمر قائلًا بالتحديد بالبرد (والأميال، بل إن قصرها لكون المسافة مسافة ثلاثة أيام عنده، واتفق به كونها أربعة برد أيضاً (إعلال السنن، ج 7 ص 273 صحيح أورد مناسب تر مسافت قصر، ص 3 إذا كان السفر ستة عشر فرسخاً استباح الرخص، وبه قال أكثر...دليلنا: قوله صلى الله عليه وسلم: يا أهل مكة لا (تقصروا في أقل من أربعة برداً من مكة إلى عسفان، ولأنه مذهب ابن عباس وابن عمر ومعهود (رؤوس المسالك في الخلاف، دار خضر، ص 201

وذهب مالك إلى أن أقل مدة السفر التي يقصر فيها أربعة برد، وبه قال الشافعي وأحمد وجماعة، وهي ستة عشر فرسخاً، أي: ثمانية وأربعون ميلاً، والمستند لهم حديث: يا أهل مكة لا تقصروا في أقل من أربعة برد، أخرجه الدارقطني والبيهقي والطبراني، سندهم متكلم فيه، لكنه مؤيد بفعل ابن عمر وابن عباس، كما (أخرجه مالك والبيهقي وغيرهما أنها كانا يقتصران في أربعة برد (التعليق للمجهد، دار القلم، ج1 ص560

وذهب مالك إلى أن أقل مدة السفر التي يقصر فيها أربعة برد، وبه قال الشافعي وأحمد وجماعة، وهي ستة عشر فرسخاً، أي: ثمانية وأربعون

ميلاً، والمستند لهم حديث: يا أهل مكة لا تقصروا في أقل من أربعة برد، أخرجه الدارقطني والبيهقي والطبراني، سندهم متكلم فيه، لكنه مؤيد بفعل ابن عمر (وابن عباس، كما أخرجه مالك والبيهقي وغيرهما أنها كانا يقتصران في أربعة برد (التعليق للمجهد، دار القلم، ج1 ص560

حدثني أحمد بن محمد بن زياد حدثنا إسماعيل الترمذي حدثنا إبراهيم بن العلاء حدثنا إسماعيل بن عياش عن عبد الوهاب بن مجاهد عن أبيه وعطاء بن أبي رباح عن ابن عباس أن رسول الله صلى الله عليه وسلم قال: يا أهل مكة لا تقصروا الصلاة في أدنى من أربعة برد، من مكة إلى عسفان (سنن الدارقطني، مؤسسة الرسالة، ج2 ص232

حدثنا عبدان بن أحمد ثنا هشام بن عمار ثنا إسماعيل بن عياش ثنا ابن مجاهد عن أبيه وعطاء عن ابن عباس رضي الله عنهما قال: قال رسول الله صلى الله عليه وسلم: يا أهل مكة لا تقصروا الصلاة في أدنى من أربع برد، من مكة إلى عسفان (المعجم الكبير، ج11 ص96-97

وعبد الوهاب بن مجاهد بن جبر متروك الحديث

(جابر بن عبد الله بن جبر متروك الحديث موطأ مالك سة ثابت بن بريق (تأليفات رشيدية، إدارة إسماعيل لاهور، 358

وأما أن مقدار الذي يعد به مسافراً شرعياً ما اختلفوا، فالدليل عليه ما رواه مالك مرفوعاً (قلت: بل موقوفاً): لا تقصر من أقل من أربعة برداً ونحو ذلك، (والبريد أربع فراسخ، والفرسخ قريب من ثلاثة أميال إلى الزيادة (الكوكب الدري، إدارة القرآن، ج1 ص439

ومسافة القصر في المذهب مسيرة ثلاثة أيام وليلاتها، ثم حولوها إلى التقدير بالمنازل، فاختلفوا فيه على أقوال، منها: ستة عشر فرسخاً كل فسخ ثلاثة أميال (فتلح ثمانية وأربعون ميلاً، كما في الحديث، وبه أفتي لكونه مذهب الآخرين (فيض الباري، دار الكتب العلمية، ج2 ص534

ونقل عنه صاحب العرف الشذي: وأقوال الحنفية في مسافة القصر كثيرة، ذكرها في البحر، والأقوال من ستة عشر فرسخاً إلى اثنين وعشرين فرسخاً، وفي قول: (ثمانية وأربعون ميلاً، وهو المختار لأنه موافق لأحمد والشافعي (العرف الشذي، دار إحياء التراث العربي، ج2 ص49

والفرسخ ثلاثة أميال، فالقول الثالث (45 ميل شرعي، الذي أفتى به أكثر أئمة غوازم) قريب من القول بأربعة برد وهي ستة عشر فرسخاً

ميل شرعي، كما هو مذهب مالك وغيره. وقد روى البخاري تعليقا في صحيحه والبيهقي إسناداً عن عطاء بن أبي رباح أن ابن عمر وابن عباس كانا (48

يصليان ركعتين ويفطران في أربعة برد. قال أبو عمر بن عبد البر: هذا عن ابن عباس معروف من نقل الثقات، متصل الإسناد عنه من وجوه، وقد اختلف عن ابن عمر في تحديد ذلك اختلافاً كثيراً، وأصبح ما روي عن ما رواه ابنه سالم ونافع أنه لا يقصر إلا في اليوم التام أربعة برد. ٥١. قلت: وهذا هو المختار عند

شيوخنا، وقد أفتى به مولانا الشيخ رشيد أحمد الجنبهوي قدس الله روحه. (فتح الملهم، دار إحياء التراث العربي، ج4 ص394-5) وهو قول الشاه ولي الله الدهلوي أيضاً كما نقله عنه في فتح الملهم في نفس الصفحة

وعن مالك: لا يقصر في أقل من ثمانية وأربعين ميلاً هاشمي، وذلك ستة عشر فرسخاً، وهو قول أحمد، انتهى (من عمدة القاري)...ولا يذهب عليه أن الشيخ الجنبهوي على ما حكاه والذي في تقرير الترمذي قال: إن الصحيح في استدلال الحنفية هي رواية مالك في الموطأ: أربعة برد، وعلى هذا فلا خلاف بين الأئمة

(في ذلك (أوجز للمسالك، دار القلم، ج3 ص181-178

وما ذهب إليه الشافعي (من كون مسافة القصر 48 ميلاً) هو قول لمشايعنا، وهو المختار لموافقة الشافعي وأحمد (معارف السنن، ليج إيم سعيد، ج4 ص

والفتوى على خمسة عشر منها كما تقدم فإنها أربع برد أو نحوها، وقد ورد هذا التحديد عن ابن عباس وغيره، وورد ذلك مرفوعاً أيضاً وإن كان ضعيفاً، (واختاره مالك، فافتى به المتأخرون منا تحجيلاً للعوام، فإن أربعة برد هي قدر مسافة ثلاثة أيام تقريباً (إعلاء السنن، إدارة القرآن، ج7 ص284

قال الشيخ ولي الله الدهلوي قدس الله سره...ومن لازمه أن يكون مسيرة يوم تام، وبه قال سالم، لكن مسيرة أربعة برد متيقن، وما دوله مشكوك، وصحة (هذا الاسم يكون بالخروج من سور البلد أو حلة القرية أو بيوتها بقصد موضع هو على أربعة برد (فتح الملهم، ج4 ص495

ISLAMIC TRANSLATION OF THE TORAH

Q: There was launched the very first Islamic translation of the Torah. The knowledge within is with quranic quotation to prove that the knowledge is not just valid for Jews but for Islam as well. This knowledge is due to the new generation thinkers- those who are here to carry Islam to an evolutionary level. It is set not just to prove that it is the leading religion –but the knowledge will raise us to becoming a ‘superior nation’- making us the leading group among all of creation. This book is advertised as such. I would like to ask if it’s permissible to purchase and read this Torah book?

A: To have faith in the divine scriptures that were sent down by Allah Ta’ālā to his prophets is an integral part of Muslim belief. These scriptures include the Torah, Injil and Zabūr. We believe Allah Ta’ālā sent these books to earlier prophets and placed in them orders and prohibitions, admonitions and reminders, reports of the past and prophecies of the future, glad tidings of paradise and warnings of hell, and so on. Allah Ta’ālā sent these books as a light and guidance for the peoples to whom they were sent. As Allah Ta’ālā states in the Qur’an:

إِنَّا أَنْزَلْنَا التَّوْرَةَ فِيهَا هُدًى وَنُورٌ

“Verily, We sent down the Torah, in which is guidance and light.”
(Qur’an, 5:44)

However, unlike the Qur’an which Allah Ta’ālā has Himself assured will be preserved for this ummah (Qur’an, 15:9), the preservation of earlier scriptures was entrusted to the learned men from the peoples to whom they were sent (Qur’an, 5:44). As a consequence, through time, these books were corrupted and distorted. Allah Ta’ālā says:

فويل للذين يكتبون الكتاب بأيديهم ثم يقولون هذا من عند الله

“Destruction to those (Jews) who write the book with their hands and then they say: ‘this is from Allah...’ (Qur’an, 2:79)

Because of this, the book presently referred to as the “Torah”, meaning, the first five books of the Old Testament, cannot be regarded as the original Torah that was revealed unto Mūsā (‘alayhissalām). Although some sections of it may conform to the original Torah, other sections were certainly distorted and corrupted. This is why part of the function of the Qur’an was to stand as a “guardian” (muhaymin) against the accrued errors of previous scriptures. Allah Ta‘ālā says:

وأنزلنا إليك الكتاب بالحق مصدقا لما بين يديه من الكتاب ومهيمنا عليه

“We have sent down to you [O Muhammad (sallAllāhu ‘alayhi wa-sallam)] the Book with truth, confirming the book before it, and a guardian of it.” (Qur’an, 5:48)

The passages of the Torah fall into three categories: first, those passages which are in clear opposition to the Qur’an and hadiths; second, those passages which are confirmed by the Qur’an and hadiths; and third, those passages which are neither confirmed nor rejected by the Qur’an and hadith. The first category of passages must be rejected, the second is accepted, and with respect to the third, which forms the bulk of the present “Torah,” we are to hold a neutral position, neither believing in any of it nor denying any of it.

It is reported in Sahih al-Bukhārī:

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، قَالَ : كَانَ أَهْلُ الْكِتَابِ يَقْرَءُونَ التَّوْرَةَ بِالْعِبْرَانِيَّةِ، وَيَفْسُرُونَهَا بِالْعَرَبِيَّةِ لَهُ الْإِسْلَامُ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا تُصَدِّقُوا أَهْلَ الْكِتَابِ وَلَا تَكْذُوبُوهُمْ وَقُولُوا آمَنَّا بِاللَّهِ وَمَا أُنْزِلَ إِلَيْنَا

“The Ahl al-Kitāb would recite the Torah in Hebrew and interpret it in Arabic for the Muslims, so the Messenger of Allah (Allah bless him and grant him peace) said: ‘Do not believe the people of the book and do not belie them, but say: ‘We believe in Allah and what was revealed to us.’”

Furthermore, the Qur’an and Sunnah are sufficient for our guidance. By looking in the Torah or earlier scriptures, we subject ourselves to the wrath of Allah Ta’ālā and His Messenger (sallAllāhu ‘alayhi wa-sallam), as it gives the impression that we are searching for guidance elsewhere. Consider the following report:

عَنْ جَابِرٍ رَضِيَ اللَّهُ عَنْهُ، أَنَّ عُمَرَ بْنَ الْخَطَّابِ رَضَوَانُ اللَّهِ عَلَيْهِ أَتَى رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِنُسْخَةٍ مِنَ التَّوْرَةِ، فَقَالَ : يَا رَسُولَ اللَّهِ، هَذِهِ نُسْخَةٌ مِنَ التَّوْرَةِ، فَسَكَتَ، فَجَعَلَ يَقْرَأُ وَوَجْهَ رَسُولِ اللَّهِ يَتَغَيَّرُ، فَقَالَ أَبُو بَكْرٍ رَحِمَهُ اللَّهُ عَلَيْهِ : تَكَلَّمْتَ الْتَوَاكِيلَ، مَا تَرَى وَجْهَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَتَنْظُرُ عُمَرُ إِلَى وَجْهِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ : أَعُوذُ بِاللَّهِ مِنْ غَضَبِ اللَّهِ، وَمِنْ غَضَبِ رَسُولِهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَضِينَا بِاللَّهِ رَبًّا، وَبِالْإِسْلَامِ دِينًا، وَمُحَمَّدٍ نَبِيًّا، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : ” وَالَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ، لَوْ بَدَا لَكُمْ مُوسَى فَاتَّبَعْتُمُوهُ وَتَرَكْتُمُونِي، لَضَلَلْتُمْ عَنْ سَوَاءِ السَّبِيلِ، وَلَوْ كَانَ حَيًّا وَأَدْرَكَ بُيُوتِي لَأَتَّبَعَنِي ”

“On the authority of Jābir (may Allah be pleased with him): ‘Umar (may the pleasure of Allah be upon him) produced a copy of the Torah to the Messenger of Allah (Allah bless him and grant him peace), and he said:

‘O Messenger of Allah, this is a copy of the Torah,’ and he remained quiet. Then he began to read (it) whereupon the face of the Messenger of Allah changed, so Abū Bakr (may Allah have mercy on him)

said: ‘May the bereaved mothers lose you! Do you not see the face of the Messenger of Allah?!’ So ‘Umar looked at the face of the Messenger of Allah (Allah bless him and grant him peace), and he said: ‘I seek refuge in Allah from the anger of Allah and from the anger of His Messenger. We are content with Allah as Lord, Islam as religion and Muhammad as Prophet.’ The Messenger of Allah said: ‘By the One in Whose hand is the soul of Muhammad! Had Mūsā appeared before you and you followed him and you abandoned me, you would have strayed from the straight path. If he was alive and he witnessed my prophethood, he would have followed me.’” (Sunan al-Dārimī)

As a consequence, some of the Fuqahā have mentioned that it is not permissible to look in the “Torah,” regardless of whether non-Muslims have translated it for us or Muslims.

Hence, our advice is that this new translation should not be supported by, or spread amongst, Muslims. Instead, we should assert as did ‘Umar (radiy Allāhu ‘anhu) when he saw displeasure on the face of Rasūlullāh (sallAllāhu ‘alayhi wasallam): “We are content with Allah as Lord, Islam as religion and Muhammad as Prophet.”

مسند الدارمي المعروف بسنن الدارمي، دار المغني، ٢٠٤:١

قال محققه: الحديث حسن

وَإِخْتَارَ سَيِّدِي عَبْدُ الْقَنِيِّ مَا فِي الْخُلَاصَةِ، وَأَطَالَ فِي تَقْرِيرِهِ، ثُمَّ قَالَ: وَقَدْ نُهِينَا عَنِ النَّظَرِ فِي قُبُورِ مَنْهَا سَوَاءٌ نَقَلْنَا إِلَيْهَا الْكُتُبَ أَوْ مَنْ أَسْلَمَ مِنْهُمْ
رد المحتار، ليج إيم سعيد، ٥٧١:١

NATIONAL ANTHEM IN ISLAMIC SCHOOLS

Q: Can you please provide us with some guidelines regarding the national anthem being sung by our school during its various functions? Is it permissible, standing up for it, placing hands on chest etc...?

A : The National Anthem: Background:

A national anthem (also national hymn, song etc.) is generally a patriotic musical composition that evokes and eulogizes the history, traditions and struggles of its people, recognized either by a nation's government as the official national song, or by convention through use by the people.

The national anthem of South Africa, *Nkosi Sikelel' iAfrika* was composed in 1897 by Enoch Sontonga, a Methodist school teacher. It was originally sung as a church hymn but later became an act of political defiance against the apartheid Government. *Die Stem van Suid-Afrika/The Call of South Africa* was written by C.J. Langenhoven in 1918. "Die Stem" was the co-national anthem with *God Save the King/Queen* from 1936 to 1957, when it became the sole national anthem until 1994. The South African Government under Nelson Mandela adopted both songs as national anthems from 1994 until they were merged in 1997 to form the current anthem.

The lyrics of the anthem employ the five most populous of South Africa's eleven official languages - isiXhosa (first stanza, first two lines), isiZulu (first stanza, last two lines), seSotho (second stanza), Afrikaans (third stanza) and English (final stanza).

The National Anthem: What does it mean?

The national anthem could mean different things for different people. For some, it could be an expression of being a proud citizen having the choice to do whatever he believes in, for others it could mean celebrating unity in diversity and for others it could mean celebrating the success of the liberation struggle. Generally, the underlying spirit and motive of the national anthem is to spur nationalism and patriotism. This is also understood from the rulings of the courts in the USA when a school wanted to make singing the national anthem compulsory. The court ruled against it and stated that the school cannot impose patriotism on the students. Children should be left free to inculcate and develop their own minds and feelings. The courts in South Africa have not yet ruled on the issue. Since the general purpose of the national anthem is an expression of patriotism, we wish to highlight that angle in our Fatwaa.

Recognition of Diversity and Patriotism in Shariah:

Moderation is the hallmark of Islam. Any deviation towards negligence or extremism is condemned. Shariah gives recognition to every natural angle and dimension of human beings, from the male gender to the female gender, from blood relations to milk relations, from families to tribes and from nations to trans-nations.

Consider the following verses:

يا أيها الناس انا خلقناكم من ذكر و أنثي

Translation: “Oh People! Indeed we have created you from male and female” (Surah Hujurat, 13)

وجعلناكم شعوبا و قبائل

Translation: “And we have created you as Nations and Tribes” (Ibid)

يأياها الذين آمنوا لا يسخر قوم من قوم

Translation: “Oh you who believe! One nation should not look down upon another nation” (Surah Hujuraat, 11)

Shariah also appreciates the diverse values and practices emanating through gender, family, cultural, ethnic and national differences and accordingly have laws governing such issues. The divine reason given for the categorization of human beings as tribes, families and nations in mutual recognition and respect for each other. After explaining the basics of human beings, Allah (Subahanahu Wa Ta'ala) says:

لتعارفوا

Translation: “So that you may recognize each other”
(Surah Hujuraat, 13)

Patriotism:

It is natural for a human being that is born and brought up in a particular tribe or country to love his tribe and country. This is also appreciated and recognized in Shariah. Hazrath Bilal (Radhiyallahu Anhu) migrated to Madeenah Munawwarah and he fell sick. He began thinking of valleys, trees, and water wells of his native land, Makkah Mukarramah and expressed his wish in poetic form. Consider the following Hadeeth:

حدثنا قتيبة عن مالك عن هشام بن عروة عن أبيه عن عائشة أنها قالت لما قدم رسول الله صلى الله عليه وسلم المدينة وعك أبو بكر وبلال رضي الله عنهما قالت فدخلت عليهما

وكان بلال إذا ألقعت عنه يقول

ألا ليت شعري هل أبيت ليلة بواد وحولي إذ خر وجليل

وهل أردن يوما مياه مجنة وهل تبدون لي شامة وطفيل

Translation: Aisha (Radhiyallahu Anha) says that Rasullullah (Salallahu Alayhi Wa Sallam) came to Madeenah and Abu Bakr and Bilal (Radhiyallahu Anhum) did not agree with the climate of

Madeenah. She further states: “Whenever the fever would subside from Bilal, he would say: “If only I could spend one night in a valley with Izkhair and Jaleel around me and how I wish for a day when I would drink the water of Mijannah and How I wish Shamah and Tufail would appear before me.” (Saheeh al-Bukhair, Hadeeth # 5330) The books of Hadeeth have dedicated chapters on the recognition of the various tribes, for example the Quraish:

قال رسول الله صلى الله عليه وسلم : الناس تبع لقريش في الخير والشر

Rasullullah (Sallallahu Alayhi Wa Sallam) said: “Mankind are followers of the Quraish in good and bad” (Musannaf, Hadeeth # 4755) Rasullullah (Sallallahu Alayhi Wa Sallam) also mentioned the other tribes.

قريش و الأنصار و جهينة و مزينة و أسلم و غفار , أشجع موالى, ليس لهم مولى دون الله و رسوله

Rasullullah (Sallallahu Alayhi Wa Sallam) said: “The Quraish, Ansaar, Juhainah, Muzainah, Aslam, Ghifaar and Ashja are masters, they do not have any master except Allah and His messenger” (Bukhari, Hadeeth # 3512)

The recognition given to the various tribes induces a sense of honour and pride in its members.

Overarching Principle:

Whilst there is general recognition of diversity in ethnicity and nationality, if there is a good quality or moral that enhances the value of the tribe or nation, that is also recognized and praiseworthy.

حدثنا ابن أبي عمر حدثنا سفيان بن عيينة عن أبي الزناد عن الأعرج عن أبي هريرة ح وعن ابن طاوس عن أبيه عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم خير نساء ركن الإبل قال أحدهما صالح نساء قريش وقال الآخر نساء قريش أحناه على يتيم في صغره وأرعاه على زوج في ذات يده

Translation: Rasullullah (Sallallahu Alayhi Wa Sallam) said “The best women are those who ride camels, one of the narrators said “The pious Quraishi women and the other narrator said “The women of the Quraish, the most kind to an orphan in infancy and most considerate to her husband’s wealth and possessions.” (Saheeh Muslim, Hadeeth #2527)

Conversely, if there is anything un- Islamic, for example oppression based on patriotism, that will be condemned.

و عن بنت وائلة ابن الأسقع أنها سمعت أباها يقول : قلت: يا رسول الله: ما العصبية؟ قال: أن تعين قومك على الظلم

“Hadhrat Wathila Bin Asqa asked Rasullullah (Sallallahu Alayhi Wa Sallam): What is Asabiyyah? He replied: To assist your nation/people upon oppression.” (Abu Dawood, Hadeeth # 5119)
 Rasullullah (Sallallahu Alayhi Wa Sallam) said:

عَنْ جُبَيْرِ بْنِ مُطْعِمٍ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : (لَيْسَ مِنَّا مَنْ دَعَا إِلَى عَصَبِيَّةٍ وَلَيْسَ مِنَّا مَنْ قَاتَلَ عَلَى عَصَبِيَّةٍ وَلَيْسَ مِنَّا مَنْ مَاتَ عَلَى عَصَبِيَّةٍ

“He who invites towards Patriotism, fights because of Patriotism and dies upon Patriotism is not from amongst us” (Abu Dawood, Hadeeth # 5121)

Hadhrat Moulana Khalil Ahmed Saharanpuri (Rahmatullahi Alayhi) states under the commentary of this Hadeeth that “The meaning of dying on Asabiyyah is that Asabiyyah becomes entrenched in the heart of the person and one becomes desirous of Asabiyyah even though he did not invite anyone nor did he kill anyone.”

Patriotism has a tendency of evoking deep emotions in a person which could overshadow the correct and proper thinking of an individual. Such a person is robbed with his moderation, justice and

fairness. Consider the following thought provoking incident of patriotism that took place at the time of Rasullullah (Sallallahu Alayhi Wa Sallam) and Rasullullah (Sallallahu Alayhi Wa Sallam)'s response to such patriotism.

اخبرنا ابن جريج قال : أخبرني عمرو بن دينار أنه سمع جابرا يقول: غزونا مع النبي و قد ثاب معه ناس من المهاجرين حتي كثروا ، و كان من المهاجرين رجل لعاب فكسع أنصاريا، فغضب الأنصاري غضبا شديدا، حتي تداعوا، و قال الأنصاري: يا للأنصار و قال المهاجري: يا للمهاجرين، فخرج النبي فقال: ما بال دعوي أهل الجالية؟ ثم قال: ما شأنهم، فأخبر بكسعة المهاجري الأنصاري، فقال النبي: دعواها فانها خبيثة

Hadhrat Amr Bin Deenar narrates that he heard Jabir saying: “We went out in battle with Nabi (Sallallahu Alayhi Wa Sallam) and a group of Muhajireen also joined until they increased, and there was a very playful/jovial man from the Muhajireen and he hit an Ansari on the back, the Ansari became very angry until they both rallied for support. The Ansari said: Oh Ansar! Help me. And the Muhajir said: “Oh Muhajireen! Help me. Nabi (Sallallahu Alayhi Wa Sallam) emerged and enquired: What is the condition of the claim of the people of Jahiliyyah? Then he said: “What is their matter? Then he was informed of the Muhajir’s hitting of the Ansari. Then Nabi (Sallallahu Alayhi Wa Sallam) said: leave that for verily it is filthy”. (Bukhari, Hadeeth # 3519)

Shariah Analysis of singing the National Anthem:

The National Anthem is generally sung at official government platforms and national events. It is generally observed that the nationalistic and patriotic sentiments and emotions of the participants of such events are stirred up and ignited. The feelings of National Pride, Patriotism and National Loyalty are instilled and entrenched in the hearts of the participants of such events. This is clearly understood from the emotional reactions of the citizens and supporters of one's national team.

The concept of Patriotism is highly debated. Patriotism is a nationalistic feeling of pride that manifests itself in small and big ways. Some say it is a civic virtue while others believe it is a dangerous way of thinking. There are some positives in Patriotism like unity and obedience. People of a country tend to be united on nationalistic issues and also tend to obey their government. Others believe that Patriotism is bad and has many negative consequences such as inculcating a conformist attitude to the Government of the time. This leads to complacency against the evils emanating from the Government. Extreme Patriotism leads to a sense of superiority of one's nation and creates a sense of inferiority for others.

According to Shariah, the good of anything is good and the bad of anything is bad. The ruling of the national anthem could be analogous to poetry. Poetry itself is not prohibited. The good of poetry is good and the bad of poetry is bad.

Consider the following Hadeeth:

Rasullullah (Sallallahu Alayhi Wa Sallam) said:

الشعر بمنزلة الكلام فحسنه كحسن الكلام و قبيحه كقبيح الكلام

Translation: Rasullullah (Sallallahu Alayhi Wa Sallam) said “Poetry is like speech. The good poetry is like good speech and the evil poetry is like evil speech” (Tabrani)

However, excessive poetry has a potential of many negative effects and therefore we are warned against such dangers of excessive poetry.

Rasullullah (Sallallahu Alayhi Wa Sallam) said:

و عن ابي الزعراء قال: قال عبد الله يعني ابن مسعود: لأن يمتلئ جوف الرجل قيحا، خير له من أن يمتلئ شعرا

Translation: It is narrated from Hadhrat Abdullah Bin Mas'ood that “It is better that the mouth of a person be filled with pus than being filled with poetry” (Tabrani)

وَجْهَهُ عِنْدِي أَنْ يَمْتَلِئَ قَلْبُهُ مِنَ الشَّعْرِ حَتَّى يَغْلِبَ عَلَيْهِ فَيَشْغَلَهُ عَنِ الْقُرْآنِ وَعَنْ ذِكْرِ اللَّهِ فَيَكُونُ الْغَالِبُ عَلَيْهِ فَأَمَّا إِذَا كَانَ الْقُرْآنُ وَالْعِلْمُ الْغَالِبَيْنِ عَلَيْهِ فَلَيْسَ جَوْفُهُ مُمْتَلِئًا مِنَ الشَّعْرِ (فتح الباری، ج 01، ص 945، دار المعرفة - بیروت)

The Muhadditheen have mentioned that the reprehensibility for poetry in the above Hadeeth occurs when poetry overpowers one and makes one negligent of reciting the Qur'an and making the Zikr of Allah. While we acknowledge that the national anthem represents some broad Islamically accepted principles, etc, it also has a potential of un-Islamic factors in it for example:

1) Inducing a conformist attitude. There are many un-Islamic values and practices in a nation. It is incorrect for a Muslim to agree and conform to such values.

2) Inducing Superiority and the feeling of inferiority of others. This too is un-Islamic. Rasullullah (Sallallahu Alayhi Wa Sallam) said:

يا أيها الناس ألا إن ربكم واحد وإن أباكم واحد ألا لا فضل لعربي على أعجمي ولا لعجمي على عربي

Translation: Rasullullah (Sallallahu Alayhi Wa Sallam) said “Oh People! Indeed your Rabb is one and your father is one. Behold! There is no virtue for an Arab over a non-Arab and for a non-Arab over an Arab” (Musnad Ahmad, Hadeeth # 22391)

The un-Islamic conduct of national superiority is evident from citizens of first class countries.

3) There are a host of other negative consequences of patriotism like xenophobia, jingoism, warfare, etc.

The purpose of introducing singing the national anthem at Islamic schools is to induce patriotism in the students and make them feel proudly South African. While we appreciate being South African citizens due to enjoying many human and religious values in our beautiful country and maintain a co-operative relationship with our Government and citizens, we have to guard and protect our Islamic ethos from being overshadowed by anything else. We therefore advise against introducing the singing of the national anthem at Islamic schools.

As an Ummah, we transcend cultural, geographical and national boundaries and bind ourselves universally with the value and reverence of the Kalimah.

http://en.wikipedia.org/wiki/National_anthem, last accessed at 22/05/2013.

بذل للجهود، ج 31، ص 415، البشائر

USHAKA MARINE WORLD TICKET RESALE

Q: Is it allowed to resell tickets of theme parks such as uShaka Marine World, whereas the tickets explicitly state that they are not for resale?

A: It is allowed to resell the tickets as long as the tickets can still be used by the purchaser. The restriction of resale is invalid.

- درر الحکام فی شرح مجلة الأحکام، علی حیدر خواجہ امین افندی، 1353ھ، فہمی الحسینی، دار الجیل، الأولى، 1411ھ - 1991م، پاکستان، 1406ھ، 4
- المادة (587) للمستأجر إيجار ما لم يتفاوت استعماله وانتفاعه باختلاف الناس لأجر. للمستأجر إيجار المأجور كالنور والأراضي ما لم يتفاوت (1 673)
 - استعماله باختلاف المستعملين، الانتفاع به على أن تستوفي المنفعة التي يقتدر على استيفائها في مدة الإجارة، ولو ببذل زائد عن بدل الإجارة وإعارته أو إيداعه، ولو شرط المؤجر أن يستعمله المستأجر بنفسه، وإن ليس له إيجاره من غيره
 - أولاً: لو استأجر أحد حماماً على أن يشغل فيه بنفسه، ثم بعد ذلك آجره من آخر وسلمه إياه، فليس للأجر الأول أي لصاحب الحمام أن [1 673]
 - يفسخ الإجارة قبل تمام مدتها بداعي أن المستأجر لم يضبطه هو وآجره من آخر، فلا يرض بذلك (البهجة). وليس للأجر أن يطلب الأجرة التي على المستأجر الأول من المستأجر الثاني، بل له أن يطلبها من المستأجر الأول " فتاوى ابن نجيم " انظر الشرح المحرر في أول الفصل الثاني في الباب الثاني
 - المادة (428) كل ما لا يختلف باختلاف المستعملين فالتقييد فيه لغو، مثلاً: لو استأجر أحد داراً على أن يسكنها له أن يسكن غيره فيها. (راجع المادة) [1 463]
 - (528) يعني أنه لو استأجر أحد داراً بشرط أن يسكنها هو؛ فله إيجارها من غيره وإعارتها لاستيفاء المنفعة التي له أن يستوفيها بموجب المادة 426؛ لأن السكنى لما لم تكن متفاوتة لم يعتبر ذلك القيد؛ لأنه غير مفيد

ULAMA – BACKWARDS?

Q: Do you know that some of our Ulamaa' (Scholars) issued Fatwas, like below:

(1) Translation of Quran in any other language was prohibited by Fatwas till about 1000 AD. Now Ulamaa' allow it.

(2) 300 years ago, when clocks and watches were invented; use of those devices for prayer times was not allowed by Ulamaa'. Now they allow it.

(3) 120 years ago, in India, calculated Prayer Times were not acceptable per Fatwas by Ulamaa'. Now they allow it.

(4) 60 years ago, loud speakers use for Prayers was considered Haraam, per Fatwas by Ulamaa' in Indo-Pak. Now they allow it.

(5) 50 years ago, taking picture for ID or passports was considered Haraam, per Fatwas by Ulamaa' Now they allow it.

Now, all of the above is considered, not only allowed, but people don't even know that these were not allowed before. Why, it takes decades for Ulamaa' to accept such things?

Some of Our Ulamaa were reluctant to do Ijtihad for new things; Are the doors of Ijtihad closed forever??

A : In your introduction of the conduct and attitude of 'Ulamā, you present five examples with the heading: 'Do you know....?'

Do **you** know? While you ride the saddle of criticism, you are actually alleging, and the burden of substantiating your claims lies on you. Whilst you seem to have sourced the information in the question from the aforementioned website, due to your manipulation of certain facts and restructuring of some statements, we shall treat all such information which has been transformed as your personal opinion as it cannot be attributed to the website. You state:

1. 'Translation of Quran in any other language was prohibited by Fatwas till about 1000 AD. Now Ulamaa' allow it.'

Firstly, you have displayed lack of academic honesty by misrepresenting the facts stated in the actual source. The website, www.moonsighting.com, states, '150 years ago, translating Qur'an in any

other language was considered a tabu, and was not allowed per Fatwas by Ulamaa of that time'. You have inflated 150 years by 850 years more. The reason is obviously to sensationalise your facts.

Secondly, the author of such a statement has misunderstood the prohibition. Our 'Ulamā had prohibited the publication of such translations which were not accompanied by the Arabic text of the Qur'ān. To state that translation of the Qur'ān was prohibited is false. It was always permissible to translate the Qur'ān with the Arabic text.

2. '300 years ago, when clocks and watches were invented, use of those devices for prayer times was not allowed by Ulamaa'. Now they allow it.' To set the record right, clocks and watches were invented over 500 years ago. Nonetheless, we are unaware of such a prohibition. What is the academic reference for such a claim?

3. '120 years ago, in India, calculated Prayer Times were not acceptable per Fatwas by Ulamaa'. Now they allow it.' Yet again, you have displayed your academic dishonesty through manipulation of facts. The actual source says: '100 years ago, in India...'. In addition, what is the reference for this and what is the context of such a fatwa?

4. '60 years ago, loud speakers use for Prayers was considered Haraam, per Fatwas by Ulamaa' in Indo-Pak. Now they allow it.' We acknowledge that such fatāwā were issued by the 'Ulamā. However, this was due to the great caution our 'Ulamā exercised in matters of 'Ibādah.

5. '50 years ago, taking picture for ID or passports was considered Haraam, per Fatwas by Ulamaa'. Now they allow it.' You refer to fatāwā, present them!

Further, the author seems to suggest that such matters are only being considered now. This is totally incorrect. It is sad that you try to create an impression of being a genius but your attitude lacks basic academic requirements.

Your question alludes to our ‘Ulamā being backward. You have tried to present five examples to justify this. Whilst one can argue and discuss the reason why ‘Ulamā take so long to issue rulings or to change their opinions on certain matters, let us not be heedless of the enormous service they render to the ummah.

‘Ulamā have dedicated their lives for the sake of preserving the Deen of Allāh. Whilst the rest of the ummah remains engrossed in the acquisition of material values, our ‘Ulamā have sacrificed tooth and nail in order to learn, understand and expound the teachings of Rasullāh Sallallāhu ‘Alayhi Wa Sallam without any financial gain. Their sterling work in such arduous conditions and with no monetary backing is a demonstration of their loyalty to Deen and their selflessness. Their books exhibit the highest level of academic achievements.

Therefore, we advise that you adopt respect and honour for the ‘Ulamā. Their position and status in the ummah is a very elevated one. Rasullāh Sallallāhu ‘Alayhi Wa Sallam said,

“Certainly Ulamā are the heirs (of the legacy) of the Prophets.”

Hence, they are vicegerents of the Ambiyā’ and deserve complete of respect and reverence. Many virtues have been mentioned in the Ahādīth regarding ‘Ulamā. Consider the following narrations:

Rasullāh Sallallāhu ‘Alayhi Wa Sallam said: *“The virtue of an ‘Ālim (scholar) over an ‘Ābid (worshipper) is like that of the full moon over*

the rest of the stars.” “Allāh gives the understanding of Deen to whomsoever He loves.”

Rasulullāh Sallallāhu ‘Alayhi Wa Sallam said: *“The superiority of the scholar over the worshiper is like my superiority over the least of you.”*

Then the Messenger of Allah Sallallāhu ‘Alayhi Wa Sallam said: ‘Indeed Allah, His Angels, the inhabitants of the heavens and the earths and even the ant in its hole and the fish supplicate for the forgiveness of the one who teaches the people good.’” “Lo! Indeed the world is cursed. What is in it is cursed, except for the remembrance of Allah, what is linked to that, the scholar and the student.”

Differences amongst academics and the changing of facts, research and rulings with the passage of time is no new issue. This is common in all academic fields. For example, for decades research suggested that there are nine planets in our galaxy. In the early nineties, there was a debate on whether Pluto was a planet or not. It was finally concluded that Pluto is not a planet. A change in research. Are scientists condemned for changing their view? Why single out the academic differences among ‘Ulamā?

Similarly, astronomers hold as many as four different views regarding the origin and formation of the moon. Will it be fair to condemn them for their differences, or will we term the differences as academic honesty? Why can the differences among ‘Ulamā not be termed as academic honesty? Widely conflicting research can be found concerning the harms and benefits of particular food substances and consumables, to such an extent that, scientists have greatly differed on whether meat and vegetables are beneficial or harmful to the body. With skyrocketing medical advancements, state-of-the-art equipment and technology, scientists have yet to find cures to a number of

diseases despite the fact supported by Shari'ah that 'for every disease there is a cure'. The list is endless. Who is responsible for providing answers to such conflicting and inaccurate facts? How can such differences be reconciled and why have scientists taken so long to reach decisions in matters which till now too cannot be relied upon? Why is such criticism directed only to 'Ulamā? Our 'Ulamā have worked with the greatest sincerity throughout the ages and have had no ulterior motives in issuing rulings. Their work has been purely for the sake of Allāh with no monetary recompense for their research. Yet they have been exceptional in their research.

The aspect of why, how and when Fatāwā (decrees/rulings) change is an academic issue that cannot be comprehended by general people. It is not a simple matter of accepting or rejecting new practices and inventions. 'Ulamā need to consider a number of factors and need deep research in order to issue rulings. Furthermore, rulings are issued according to need and necessity and not simply to keep up with the times. The earlier 'Ulamā had laid down principles of jurisprudence in their eras. Till today, these principles are as practical as they were in those days. Every new issue that is to surface in the future can be deduced by our 'Ulamā. As far as the issue of Ijtihād is concerned, 'Ulamā have laid down very strict criteria for Ijtihād. If anybody can meet these criteria, then he may carry out Ijtihād. Ijtihād consists of two basic categories:

- 1) The composition and compilation of juridical principles that will govern the extraction of rulings from the Qur'ān, Hadīth, Qiyās (logical deduction) and Ijmā' (consensus) and the practical application of such principles. Such principles are comprehensive and are never broken. For this, one requires a very high level of juridical skills and expertise.

2) The extraction of rulings on new issues based on the comprehensive principles deduced by the Mujtahideen in the past. This form of Ijtihād is still carried out by ‘Ulamā who specialize in Fiqh.

[HTTP://MOONIGHTING.COM/BAQ_MS.HTML](http://moonighting.com/baq_ms.html)

[HTTP://INVENTORS.ABOUT.COM/OD/CSTARTINVENTIONS/A/CLOCK.HTM](http://inventors.about.com/od/cstartinventions/a/clock.htm)

[HTTP://EN.WIKIPEDIA.ORG/WIKI/HISTORY_OF_WATCHES](http://en.wikipedia.org/wiki/History_of_watches)

[HTTP://MOONIGHTING.COM/BAQ_MS.HTML](http://moonighting.com/baq_ms.html)

[سنن الترمذي ت شاكر (97/2) [ابج ايم سعيد] صحيح البخاري (16/1) [قديبي] سنن الترمذي ت شاكر (98/2) [ابج ايم سعيد]

[سنن الترمذي ت شاكر (58/2) [ابج ايم سعيد]

[HTTP://WWW.SPACE.COM/16080-SOLAR-SYSTEM-PLANETS.HTML](http://www.space.com/16080-solar-system-planets.html)

[HTTP://WWW.NUTRAINGREDIENTS-USA.COM/SUPPLIERS2/CONSUMERS-CONFUSED-BY-CONFLICTING-SCIENCE](http://www.nutraingredients-usa.com/Suppliers2/Consumers-Confused-By-Conflicting-Science)

[HTTP://ELIOTBURDETT.COM/WHIC-SCIENCE-CAN-YOU-BELIEVE/](http://eliotburdett.com/WHIC-SCIENCE-CAN-YOU-BELIEVE/)

WAQF LAND FOR MASJID

Q: We have an old mosque in our locality and long back that was dismantled and a new mosque was constructed on the piece of land some 400 feet away. A tin shed has been constructed on the piece of land where there was previously mosque, can we give this tin shed on rent to somebody and the income generated from it would be used for maintenance and extension of newly constructed mosque or we have to keep it idle or what type of structure can we construct on that piece of land. Please advise in light of Hadith and Qur'an.

A : At the outset, it was not permissible to dismantle the old mosque and replace it with a new mosque on another piece of land . Once a land has been endowed and classified as a Shar'i masjid, it will remain as such until the day of Qiyāmah . Therefore, it is not permissible to use the old land for any other purpose than of a Masjid . Hence, it is also not permissible to sell it, rent it out or convert it to anything else albeit it may be to utilise the revenue thereof to contribute to the construction or maintenance of the new Masjid . The previous land will remain a Masjid in spite of its structure being dismantled .

It would have been more appropriate to have consulted the Ulama prior to dismantling the old mosque and replacing it with another upon a different land. The old land, along with the new Masjid, should be reused as a Masjid for the purpose of Salah and the community should try their utmost to ensure both Masjids are inhabited.

[KIFAYAT AL-MUFTI, 7: 42, DAR AL-ISHA'AT, KARACHI]

وان للمسجد لله

[AL-QURAN, 72:18]

[AL-BAHR AR-Ra'IQ SHARH KANZ AD-DAQA'IQ WA MINHAT AL-KHALIQ, 5: 272]

[IMDAD AL-AHKAM, 3: 174, MAKTABAH DAR AL-ULOOM KARACHI]

[KIFAYAT AL-MUFTI, 7: 28, DAR AL-ISHA'AT, KARACHI; IMDAD AL-AHKAM, 3: 170, MAKTABAH DAR AL-ULOOM KARACHI]

قال ابو يوسف: هو مسجد أبدا إلى قيام الساعة لا يعود ميراثا ولا يجوز نقله ونقل ماله إلى مسجد آخر سواء كانوا يصلون فيه أو لا وهو الفتوى كذا في الحاوي القدسي وفي المجتبى وأكثر المشايخ على قول أبي يوسف ورجح في فتح القدير قول أبي يوسف بأنه الوجه

[AL-BAHR AR-Ra'IQ SHARH KANZ AD-DAQA'IQ WA MINHAT AL-KHALIQ, 5: 272]

ولو خرب ما حوله واستغنى عنه يبقى مسجدا عند الإمام والثاني أبدا إلى قيام الساعة وبه يفتي حواي القدسي) ... قوله : (ولو خرب ما حوله) أي ولو مع بقاءه عامرا وكذا لو خرب وليس له ما يعمر به وقد استغنى الناس عنه لبناء مسجد آخر (قوله : عند الإمام والثاني) فلا يعود ميراثا ولا يجوز نقله ونقل ماله إلى مسجد آخر ، سواء كانوا يصلون فيه أو لا وهو الفتوى حواي القدسي ، وأكثر المشايخ عليه مجتبى وهو الوجه

[RAD AL-MUHTAB ALA AD-DURR AL-MUKHTAR, 4: 358, H.M.SABED COMPANY]

[AL-BAHR AR-Ra'IQ, 5: 421, MAKTABAH RASHIDIYAH; AL-FATAWA AL-HINDIYAH, 2: 458, MAKTABAH RASHIDIYAH]

[FATAWA MAHMUDIYAH, 14: 615, DAR AL-IFTAA JAMIAH FANUQIYAH, KARACHI]

ACCOUNTING PROFESSION

Q: This is very important to me as this involves making a big decision in my life and is related to making daily earnings.

Although I am working I have also a small CPA (tax & accounting) firm which I run on the side. When I prepare tax returns or perform accounting work I run into situations which cause ethical dilemma. One is to go exactly by the book, the IRS tax guidelines, and the other is to be a little flexible. The normal practice in business and tax preparation is that taxpayers/businesses can take their expenses to reduce their income which results in a lower tax, or higher refund.

Sometimes taxpayers/businesses take deductions for expenses which are mixed, business and some may be person. For example, a business owner goes shopping at Walmart and buys products for his business, but he also needs some products for his home, so this person will buy everything from their business card and use the whole amount as business expense. This is common practice I have seen while working with CPAs in US that their clients give them bank statements and generally if most of the stuff looks business they will give full deductions. But if there are obvious or large amounts of personal expenses then they will further inquire and not allow if the case.

Another example would a Doctor has a business setup for his 1099 contract job and he takes deductions for cell phones expenses for whole family under business and monthly car expenses....whereas according to IRS law only portion used for business is allowed. But if this is done for all my Muslim brothers then they are paying more taxes whereas the common practice is that all business owners do

this to some extent and everyone else in US (Americans) are taking these deductions and paying less tax. The difference can sometimes be in thousands of dollars. As you know there is also opinion of the tax payer money not being properly used so it is okay to reduce tax as mentioned above? And some of my clients are religious people who are taking these deductions as well. So is it possible that my halal Rozi is being affected as well as being the cause of others Rozi being compromised?

Due to this dilemma I am facing, and uncertain about, I am therefore planning to discontinue my business and just work. The whole purpose of having my own business was to be able to have more time off for family and dean (e.g. tabligh work). With this business we are busy half of the year and part-time other half of time, and flexibility is there. And able to avoid fitna of work place, which I am currently facing right now.

Currently having to work, I am having to deal with fitna, mixing/ mingling with strange women, tied down during weekdays from fajr to isha/margib, not having much time for family, masjid, and weekends is pretty much catch up time for family chores etc. Before I was keeping my gaze down, but this is not the case at work and I find myself with unlawful thoughts/desires in my mind sometimes. My also have a big family here and community as well but am not able to have any time to be able to build relationships and be able to bring towards dean given that most of my relatives are much away from dean, even though living in a community with masjid and Muslims.

With my own business also downsides are sometimes I see myself thinking about people to offer my services, sometimes this thought is with me unintentionally at Majid too and in deeni works. Also, some-

times there is no interaction with anyone, isolation. Also, please keep in mind, that I don't may too many clients might be struggle to have enough means....an option would be to find a part-time job with another CPA company or full time and later start my business but then I need to look for job like this rather than what I am doing right now which is completely different field within accounting (working for big company accounting). Please advise whether I should do one or other, and whether one or other is jaiz (halal or not).

Since this involves my sustenance, I do want to completely make sure I am earning 100% halal money and leave the doubtful as well, like may be the case with my business. But then on the other had I think that if there is nothing wrong with it and can do it, I might be able to establish my business in future and be independent and have more time for my deen and family. At this time I am working full time and doing business on side but it is getting to be too much work and taking up my free time so would like to drop one option and stick to what's best for my akhirah. Quick background is my have involved in tabligh, have spend 4 months and spend 3 days regularly and local work to some extent. My family is some what religious, but most relatives not so. Some of my cousins are. We have a big relatives family here. Muslim community is strong here, esp. work of tabligh, a lot of old workers here. But they all have conflicting opinions, most on the side of flexibility on taxes. Please advise when possible.

A : You enquire about the halāl aspect of your CPA practice where it is common for people to include personal expenses under business expenses for tax deductions.

Your clients are the ones who provide you with their various statements etc. and your only responsibility is to help with their accountancy work. The onus of providing correct information rests with them, not with you.

As such, your accountancy work is *halāl*, whether as a private business or whether as an employee.

Concerning the aspect of starting a business to come out of the clutches of never ending employment, that in itself is a good intention. However, as you are indicating yourself, it is impractical to overwork yourself for a long period of time. Therefore, resort to making *istikharah* until Allāh opens the doors for you in one way or the other. Just be careful not to overwork yourself and to neglect your family in the process, as becoming financially independent is a big struggle with many hurdles on the way that may come with a price tag on its own. The aspect of casting lustful glances is very easy to resolve. Simply don't look. For this purpose, you may collect *bayaans* from the internet on the topic and listen to them. The problem only comes about when you look intentionally. It is our innate nature to get attracted to the opposite gender and therefore, if nothing were to happen, then in that case a person should be very worried as there must be something terribly wrong with him. May Allāh save us all from this sickness, *Āmīn*.

CASHING OF CHEQUES ON CONDITION OF BUYING GOODS

Q: I run a shop with a partner where our main business is cashing of cheques. People come to us with their wages which have been paid by cheque and due to it taking quite long in a bank decide to cash it in shops such as ours. It is agreed and known by the people that a certain percentage from the amount is to be used to buy goods from the shop. The percentage is negotiated and varies with each person. Once this has been done the customer takes the cash and may come later to collect the goods he has bought.

Please also note that the shops capital does not usually exceed K100,000. This means that sometimes if a sum of money is very large the shop is unable to cash it due to lack of funds. So I decided to on my own cash the cheque by myself with my own money. The problem arises that I am unable to sell goods to the customer since I am now not actually working as the shop. So can I just tell the person that for the percentage of the cheque, instead of selling goods as the normal case, I will sell you this pen for that percentage? Is doing this allowed?

A : In principle, the bearer of the cheque, whether cash or post-dated is a creditor. The issuer of the cheque is a debtor who has transferred his debt to the bank in the form of a cheque. A transferal of a debt is termed as hawala and is permissible with the consent of all the parties involved. In the enquired situation, employees receive pay cheques from their employers. Accordingly, the employer is a debtor and the employees are creditors. The employer has transferred the debt to the bank with the consent and agreement of the employees. If the employees wish to cash the cheque by private persons besides the bank, this will be another transferal of the debt.

In a transferal of a debt the exact amount oweable has to be transferred. It is not permissible for the cashier of the cheque to derive any benefit from the cashing of the cheques whether by paying a lesser amount to the bearer in which case the cashier will benefit from the surplus amount. For example the cheque is k1000 and it is cashed for k950. The cashier will benefit k50 when cashing the cheque. This is not permissible as it is deriving benefit from a loan which is interest and is prohibited. Similarly, it is not permissible for a cashier of the cheque to put a condition on the bearer of the cheque to purchase items at his store as cashing the cheque is a loan and putting a condition on the bearer to purchase from his shop is deriving benefit

from the loan. Accordingly, the issue of the pen as a strategy will also not be permissible because the cashier accepts to cash the cheque on condition that bearer buys the pen for him for a certain amount. If he cashes it directly or through the pen strategy, both will be conditions on the loan. However, if the bearers (employees) purchase items on their own, without any obligations on them then this will be permissible.

المحيط البهاني قال محمد رحمه الله في كتاب الصرف: إن أبا حنيفة كان يكره كل قرض جر منفعة قال الكرخي: هذا إذا كانت المنفعة مشروطة في العقد بأن اقترض عادلية صحاحاً أو ما أشبه ذلك، فإن لم تكن المنفعة مشروطة في العقد فأعطاه المستقرض أجود مما عليه، فلا بأس به، وكذلك إذا اقترض الرجل رجلاً دراهم أو دنانير ليشتري المستقرض متاعاً بثمن غال فهو مكروه، وإن لم يكن شراء المتاع مشروطاً في القرض، ولكن المستقرض اشترى من المقرض بعد القرض متاعاً بثمن غال فعلى قول الكرخي: لا بأس به، وذكر الخصاص في «كتابه» وقال: ما أحب له ذلك، وذكر شمس الأئمة الحلواني أنه حرام: لأن هذا قرض جر منفعة: لأنه يقول: لو لم أشرته منه طالبني بالقرض في الحال

وذكر محمد رحمه الله في كتاب الصرف: أن السلف كانوا يكرهون ذلك، إلا أن الخصاص لم يذكر الكراهة إنما قال: لا أحب له ذلك، فهو قريب من الكراهة لكنه دون الكراهة، ومحمد لم ير بذلك بأساً، فإنه قال في كتاب الصرف: المستقرض إذا أهدى للمقرض شيئاً لا بأس به من غير فصل، فإنه دليل على أنه رفض قول السلف، قال شيخ الإسلام خواهرزاده رحمه الله: ما نقل عن السلف معمول على ما إذا كانت المنفعة وهي شراء المتاع بثمن غال مشروطة في الاقتراض، وذلك مكروه بلا خلاف، وما ذكر محمد رحمه الله معمول على ما إذا لم تكن المنفعة والهبة مشروطة في القرض وذلك لا يكره بلا خلاف، هذا إذا تقدم الإقراض في البيع، كذا في الفتاوى التاترخانية والافتاوى الهندية المرجع السابق

EMPLOYEE LIABLE FOR COMPANY LOSS?

Q: I work for a travel agency whereby we issue tickets for independent agents. One of the agents committed fraud by providing us with fake authorisation codes to process transactions on her credit card. Although company policy is that we don't accept authorisations from agents, I processed the transactions as I was under pressure and thought the agent was trustworthy. Subsequently I found out that 3 of my colleagues also made the same mistake independently. This is as a result of time constraints and extreme pressure under which we work.

A few months later the airline billed our company for the very same transactions because the bank would not honour the same authorization codes.

The company is apparently trying to recover the money from the agent. They have an agreement with the company to pay a certain amount each month; The Company is not keeping us informed about payments made or any matter regarding the situation. In the meantime the company is holding us individuals responsible even though we made a mistake. We are not sure whether the company is doing everything in its power, legally or otherwise to recover the funds.

I am currently being held liable for R70 000. Even though legally the company has no grounds against me as there is no clause in my contract about this, what would be the Islamic ruling in a case like this? Whether I continued to work there or resign?

A : If an individual enters into employment with a company, according to Shariah, he is considered as an Ajeer-e-khaas (absolute employee) . If an employee makes a mistake because of which the company suffers a loss, the employee will not be held liable for the loss suffered by the company, on condition that it was not due to negligence of the employee . However, if a mistake was made by an employee due to negligence, then he will be held liable for the loss his company has incurred because of his mistake.

In the circumstance you have stated, it is clear that the company has incurred a loss due to your negligence. The company policy is that it does not accept authorisations from agents, in spite of knowing this you violated it by trusting an agent.

The reason you have stated that the mistake was made due to stressful working conditions is not a valid excuse.

According to Shariah you and your friend will be held liable for the loss incurred by the company. Therefore, even if you decide to resign according to Shariah the debt still is upon you, despite there being no legal grounds. The company has the right to cover the loss from your salary in the event of your resignation, the excess of the debt will still be upon you. You may then claim the money from the defrauding agent. If the company received payments from the defrauding agent, you have a right to the details of such payments.

وأجير الرجل وحده يكون الرجل فيستاجر الرجل يخدمه شهراً أو... يستاجر فيه شهراً أو سنة مما لا يستطيع أن يؤاجر نفسه من غيره [الأصل ج 3 ص 561 دار ابن حزم] تكلمة البحر الرائق ج 8 ص 29 إيج إيم سعيد
 إن كان أجير القصار هو الذي فصل ذلك غير متعمد له فالضمان على القصار ، ولا ضمان على الأجير لأن الأجير أجير خاص... ولا يضمن فيما أوتي علي يديه من [ذلك] [الأصل ج 3 ص 561 دار ابن حزم]
 والأجير الخاص لا ضمان عليه في قولهم جميعاً [فرح مختصر الطحاوي ج 3 ص 399 دار البشائر الإسلامية
 فيصير الشيء في يده كالوديعة. (ولا يضمن ما جنت يده ، ما لم يخالف) [فرح مختصر الطحاوي ج 3 ص 399 دار البشائر الإسلامية] ولا يضمن ما تلف في يده أو بعمله (أما الأول ؛ فلأن العين أمانة في يده [تكلمة البحر الرائق ج 8 ص 30 إيج إيم سعيد] من حكم الأجر الخاص، أن ما هلك على يده من غير صنعه فلا ضمان عليه بالإجماع، وكذلك ما هلك من عمله بالمأذون فيه فلا ضمان عليه بالإجماع... فهو ضامن عند علمائنا رحمهم الله؛ لأن الهلاك حصل من [عمل غير مأذون فيه المحيط البرهاني ج 12 ص 39 إدارة القرآن

IS IT PERMISSIBLE TO OBTAIN A CREDIT CARD?

Q: A friend of mine told me it is wrong to possess a Credit Card. When I pointed out that there is nothing wrong as long as I don't pay interest, he put forward the following argument: At the time of signing the contract with Credit Card company, one is required to give an undertaking that if he is unable to pay at the specified time, then he would pay interest on the amount due.

That is, one is committing to interest since one doesn't know wha-

situation he would be in, in future, which Allah (SWT) alone knows, or since the person has the intention to pay interest on failure to pay back. Also there is a Hadith which says that deeds depend upon intentions. Therefore if one has intentions of paying interest on failure, one might actually pay in future. My question is it a sin to have a credit card?

A : The contention of your friend is principally correct. It is prohibited to enter into an interest bearing loan even though one will endeavor to avoid paying interest. In an avoidable situation, one should avoid obtaining a credit card.

In an unavoidable situation, if one obtains a credit card, then from a juridical point of view, it is a loan with a condition to pay interest. Accordingly, the condition will fall off and the loan will be regarded as interest free.

We do understand that if the credit card holder did not make timeous payment, the creditor still has a legal right to claim interest from him and the Shar'i implication of the condition falling off will have no effect.

It is important to note the fiqhi rulings set out by the Fuqaha have two dimensions; one is of a judicial nature while the other is non judicious and is an issue of personal consciousness.

If one is pressed by need to take out a credit card and there is no alternative and doing without a credit card would put a person in difficulty, then there is a leeway for him to make use of the credit card facility and make timeous payments. This relaxation is based on the fiqhi maxim:

Needs or necessities permit prohibition.

However, this is not a general ruling and many avenues are taken into consideration before acting upon such a maxim.

To illustrate this with an example and close analogy, it is a norm to pay the electricity and water bills to the municipality that bills its clients with an interest clause in it. It is difficult to arrange our individual and personal light and water sources. It would be impractical to advise people to use lanterns, dig boreholes, or bring water from the rivers to their houses.

In such a situation, the practical difficulties are considered to grant relaxation to merely enter into a contract with an impermissible clause but with the intention not to practice on the clause and maintain the contract according to Shari'ah. In this day and age, the use of credit card has become so common that at times, not having a credit card becomes very challenging, especially when dealing in a conventional and corporate world. In many instances, a deal or payment cannot be done except through a credit card. While we acknowledge that the ideal situation is to avoid using a credit card, Shariah also takes into consideration practical realities and difficulties. It is also advisable that since the condition in a contract is a violation of a Shar'i right, if one takes out the credit card contract due to need and necessity, he should also make tawbah and istighfaar.

Most importantly, a person must take it upon himself to act upon the following when obtaining a credit card:

- Try to obtain the credit card based on need and necessity.
- The user of the credit card must have a firm intention and must endeavor all efforts in paying the bills within the stipulated time without fail.
- To remove any possibility of a default payment in which case interest is charged, it is recommended to set up an online payment

scheme which will directly debit all purchases and payments to his account. Precaution must be exercised to ensure there is sufficient cash in the account to pay the total monthly amount before it is due. One may also use the benefits provided by the credit card company on condition that the benefits do not consist of anything Haram and the benefits are not stipulated as interest. This will be regarded as a gift from the credit card company.

قوله (وما لا يتصل بالشروط الفاسد القرض) بأن قال أترضك هذه الحالة بشرط أن تغدمني شهرا مثلا فإنه لا يتصل بهذا الشرط وذلك لأن الشروط الفاسدة من باب الربا وآلة يفتش بالمبادلة المالية وهذه العقود كلها ليست بمعاوضة مالية فلا تؤثر فيها الشروط الفاسدة ذكره العيني... وفي البرزانية وتعليق القرض حرام والشرط لا يلزم البحر الرائق شرح كنز الدقائق، كتاب البيوع، باب السلم

فأما ضمان القرض فإنه يثبت بالقرض ذمما ولا أثر للشرط فيه المبسوط للرخسي، كتاب الكفالة، باب من الكفالة، ج20، ص612، دار المعرفة [قوله وما يصح أن ما يصح مع الهزل لا يتصل بالشروط الفاسد، وما لا يصح مع الهزل يتصل بالشروط الفاسدة له والردا بقول الشارح ما يصح أي في نفسه وتلغو الشرط، وإنما رادة لكونه فني البطلان لا يستلزم الصحة لصحته على الفساد فافهم (قوله يصح المعاوضة المالية) أشار إلى ما قدمه في الفصل الأول من أن ما ليس بمبادلة مال مآل لا يفسد بالشرط الفاسد أي ما لا يقتضيه العقد ولا يلزمه، وذلك فضل حال عن العوض فيكون ربا والربا لا يكون في المعاوضات الغيرية المالية ولا في الشبهات رد المحتار، كتاب البيوع، باب السلم و متفرقات، ج5، ص249، سعيد القضاة والنظر

[HTTP://WWW.ASKMIAM.ORG/PUBLIC/QUESTION_DETAIL/25479](http://www.askmiam.org/public/question_detail/25479)

[فتاوى دار العلوم ذكرها، كتاب البيوع، أبواب الربا، ج5، ص387، (نزهة بلشرز]

[إسلام اور جديد معاضى مسائل، كريدت كارڈ، ج4، ص151، ادارہ اسلاميا]

[CONTEMPORARY FATAWAA BY MUFTI TAQI, P. 176/245, IDARA E ISLAMITI]

وفي الخلاصة القرض بالشروط حرام والشرط نفو

(الرد المختار وحاشية ابن عابدين (رد المحتار)، ج5، ص166، دار الفك)

قوله (وما لا يتصل بالشروط الفاسد القرض) بأن قال أترضك هذه الحالة بشرط أن تغدمني شهرا مثلا فإنه لا يتصل بهذا الشرط وذلك لأن الشروط الفاسدة من باب الربا وآلة يفتش بالمبادلة المالية وهذه العقود كلها ليست بمعاوضة مالية فلا تؤثر فيها الشروط الفاسدة ذكره العيني فيقال له فكيف يتصل عزل والإعتراف والرجعة بالشروط الفاسدة مع أنها لم تكن من المبادلة المالية وفي البرزانية وتعليق القرض حرام والشرط لا يلزم البحر الرائق شرح كنز الدقائق، ج6، ص203، دار الكتاب الإسلامي ويتصل بالشروط الفاسدة كذا غير التبع والقيضة والإجارة..... وما لا يتصل بالشروط الفاسدة ستة وعشرون الطلاق (والخلع مآل ويقو مآل والرهن والقرض..... الفتاوى الهندية، ج4، ص396، دار الفكر

المسألة الشائعة - لا يتصل القرض بالشروط الفاسدة ويتكون الشرط المذكور نفو، فلذلك لو استقرض أحد ستة مغبوقه على أن يؤدّي بذلها ستة خلاصة (درر الحكم شرح مجلة الأحكام، ج3، ص84، دار الكتب العلمية

PG.178, IDARAH ISLAMITYK))

فالجائزة التي يقدمها مصدر البطاقة الي حاملها هي جائزة من قبل المقرض الي المستقرض، فهو تبرع محض، لا قمار فيه ولا ربا.....فلو اعطي مقرض شيئاً (للمستقرض، علاوة علي القرض، فانه تبرع محض لا يلزم منه الربا. بحث في قضايا فقهية معاصرة، ج2ص243 مكتبة دار العلوم كراتشي

QUESTIONS REGARDING DEPOSIT

Q: Regarding deposit (that is kept safe) -

- a. Can we invest in a shariah investment
- b. What happen to profits on loss of the investment
- c. Does the profit
 1. Given to the tenant or
 2. Can we add it to the dep to keep up with yearly income?

A: 1) It is permissible to invest your money in a Shari'ah Compliant investment scheme. Seek advice from your local esteemed 'Ulamaa' on which schemes are Shari'ah Compliant.

2) An individual's loss in an investment will depend on what type of scheme the investment is based on. The investment can be based on either:

- a) Mushaarakah: in this case, one's loss will be proportionate to the ratio of his investment.
- b) Mudaarabah: in this case, there are two possibilities:

A) If one is the financier, he will bear all the loss. If there are multiple financiers, they will all bear the loss in proportion to the ratio of their investments.

B) If one did not invest any money but does the labour, he will not bear any loss. His loss will be the loss of his labour.

IS IT PERMISSIBLE TO SELL DOLLS?

Q: Is a Muslim allowed to sell puppets dolls stuffed toys, objects with these features e.g. toy car with eyes on, but don't play with them themselves, is their earning Halal or Haram?

A: Making dolls or toys having facial features is prohibited in Sharīah. Consider the following narrations:

عَنْ سَعِيدِ بْنِ أَبِي الْحَسَنِ، قَالَ: كُنْتُ عِنْدَ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا، إِذْ أَتَاهُ رَجُلٌ فَقَالَ: يَا أَبَا عَبَّاسٍ، إِنِّي إِنْسَانٌ إِثْمًا مَعِيشَتِي مِنْ صُنْعَةِ يَدَيَّ، وَإِنِّي أَصْنَعُ هَذِهِ التَّصَاوِيرَ، فَقَالَ ابْنُ عَبَّاسٍ: لَا أُحَدِّثُكَ إِلَّا مَا سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: سَمِعْتُهُ يَقُولُ: «مَنْ صَوَّرَ صُورَةً، فَإِنَّ اللَّهَ مُعَذِّبُهُ حَتَّى يَنْفَعُ فِيهَا الرُّوحَ، وَلَيْسَ يَنْفَعُ فِيهَا أَبَدًا» فَرَبَا الرَّجُلُ رَبْوَةً شَدِيدَةً، وَاضْفَرَّ وَجْهَهُ، فَقَالَ: وَيَعَكَ، إِنَّ أَبَيْتَ إِلَّا أَنْ تَصْنَعَ، فَعَلَيْكَ بِهَذَا الشَّجَرِ، كُلُّ شَيْءٍ لَيْسَ فِيهِ رُوحٌ (صحيح البخاري، باب بَيْعِ التَّصَاوِيرِ الَّتِي لَيْسَ فِيهَا رُوحٌ وَمَا يُكْرَهُ مِنْ ذَلِكَ)

Saeed bin Abī al-Hasan narrates, “I was with Ibn Abās Radhiyallāhu Anhumā when a man approached him and said, “O Ibn Abās, I earn my living through my own hands by manufacturing these pictures.” Ibn Abās Radhiyallāhu Anhumā replied, “I will only tell you what I heard Rasūlullāh Sallallāhu Alaihi Wa Sallam saying.

Rasūlullāh Sallallāhu Alaihi Wa Sallam said, “The one who makes a picture, Allāh will punish him so long as he does not blow a soul in the picture he created. And the fact is that he will never be able to blow a soul into it.” The man was terrified and his face turned pale. Ibn Abās Radhiyallāhu Anhu told him, “If you have to manufacture pictures, then make trees and things that are lifeless.” (Sahih al-Bukhārī)

عَبَدَ اللّٰهَ بِنَ مَسْعُودٍ يَقُولُ: قَالَ رَسُولُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ: «أَشَدُّ النَّاسِ عَذَابًا يَوْمَ الْقِيَامَةِ الْمُصَوِّرُونَ» (صحيح مسلم، بابُ تحريم تصوير صورة الحيوان، وتحريم اتخاذ ما فيه صورة ونحوه، وأن الملائكة لا يدخلون بيئاتهم فيه صورة ولا كُتُب)

It is reported from Abdullāh bin Masood Radhiyallahu Anht that Rasūlullāh Sallallāhu Alaihi Wa Sallam said, “Those who create pictures will be most severely punished on the Day of Judgment.” (Sahīh Muslim)

Based on the severe warnings regarding pictures, a Muslim should not trade in dolls and toys having facial features. Apart from the provided academic references, find below Fatāwā of four renowned Muftis from our pious elders.

[1] ويدخل فيه فرس أو ثور من خزف لستيناس الصيني لانه لا قيمة له، ولا يضمن مثله (سكب الأنهر على هامش مجمع الأنهر، ج 3، ص 87، دار الكتب العلمية) (الشترى ثورا أو فرسا من خزف) لأجل (اشيتناس الصربي لا يصح) لا قيمة له (لا يضمن مثله وقيل يخلو) يصح ويضمن فنية وفي آخر عظمي المجتبى عن أبي يوسف يجوز بيع اللعبة وأن يلعب بها الصبي (الدر المختار، ج 5، ص 622، سعيد) إمداد الأحكام، ج 3، ص 873، مكتبة دار العلوم كراتشي فتاوى محمودية، ج 91، ص 305، فاروقية محمود الفتاوى، ج 3، ص 91، مكتبة انور فتاوى حقانية، ج 6، ص 45

AGENCY FEES

Q: A deal would be found either by an online listing or for sale sign. I would compare what the seller of the property is asking for with how much the market value is, which would be estimated using real estate websites. I would then contact the investors informing him about the deal. If there is enough potential profit and the investor finds the deal worth while, I would be paid a finder's fee, e.g. : \$500 or so paid out by check or cash by the investor.

The investor would contact the seller and go through the entire purchase process. Is this permissible? Basically all I would be doing is informing the investor of the deal, so I wouldn't know if the investor is using interest or not for the purchase of the property.

A: According to our understanding of your query, you are an Agent of potential investors in purchasing properties. You are offered an agency fee. You find suitable properties and after having conducted a profitability study, you inform the investor who would consider the deal. If the deal was successfully concluded you would receive an agency fee according to your agreement. If our understanding of your query is correct, then it is permissible for an agent to earn agency fees on condition the fee is stipulated by amount or on a sound mechanism in which there is no ambiguity, for example percentage on the purchase price.

The payment for the purchase of the property has no bearing on the permissibility of your agency fees. However if you are aware of a Muslim investor dealing in interest, you should avoid identifying properties for him. Allah Ta'ala says in the Quran: "And do not assist each other in sin and transgression." (Surah Ma'idah, verse 2)

سئل محمد بن سلمة عن اجرة سمسار فقال لرجو انه لا بأس به وإن كان في الأصل فاسداً لكثرة التعامل و كثير من هذا غير جائز فيجوزوه لحاجة الناس اليه (رد المحتار ج 6 ، ص 36 ، سعيد)

و إذا أخذ السمسار أجر مثله هل يطيب له ذلك قال الشيخ المعروف بغواهرزاده يطيب له ذلك (تاتارخانية، ج 51 ، ص 531 ، زكريا) و إذا باع الدلال ضيعة رجل بأمرة فقال صاحب الضيعة بعثها بغير أجر و قال الدلال لا بل بعث باجر فإن كان هذا الدلال معروفاً بأنه يبيع أموال الناس باجر فإنه لا يصدق الأمر على دعواه ويجب أجر المثل (للحيط ، ج 21 ، ص 811)

Fatawa Mahmoodiyah, vol 25, p 292 (maktaba mahmoodiyah)

Fatawa Raheemiya, vol9\10, p299 (darul ishaat)

Fatawa Mahmoodiyah, vol 24, p428 (maktaba mahmoodiyah)

BONDED PROPERTY FROM COMMERCIAL BANKS?

Q : 1) Are we allowed to have a bonded property from our commercial banks ABSA, FNB, NEDBANK, STANDARD BANK, etc (Kmist) these are riba institutes?

2) If the above banks is based on a system of ribaa, how is it possible to have Islamic banking with them whilst they also are sponsors of activities and projects that are against sharia?

3) Is the income of Muslims halaal working for these institutes?

A : You are correct that conventional banks are Riba institutes and they sponsor un-Islamic projects.
Almighty Allah says,

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ

Help one another in Al-Birr and At-Taqlwa , righteousness and piety); and do not help one another in sin and transgression.(AL-MA'IDAH AYAH 2)

Therefore, in principle it would not be correct for a Muslim to deal with a conventional bank. However, Islam is a practical religion and takes into consideration needs and circumstances.

In present day dealings, it is very difficult to stay away from using the facilities of a conventional bank. It is due to the need and circumstances the Ulama have granted a leeway for Muslims to use the facilities of a conventional bank.

This is based on the following maxim,

الضرورات تبيح المحظورات.

Necessities permit the prohibited.

It should be understood that the leeway is confined to need. Accordingly, it will not be permissible for a person to go beyond the need and engage in bonds and interest bearing loans.

The ideal situation for Muslims is to establish an independent Islamic bank that functions completely according to Shari'ah principles of financing. In the absence of the ideal situation, Muslims are constrained to use conventional banks to fulfil their needs of Halal investments through a window in conventional banks. In such a situation, that facility must be completely independent to ensure the profits and dividends are Halal and Shari'ah compliant. There are Ulama and experts who have the skills and expertise to devise and supervise such products to fulfil the Halal investment needs of Muslims.

It is also important to point out that it is best for Muslims to search for Halal investment schemes out of the conventional banks.

CAN INTEREST BE AVOIDED IN TODAY'S WORLD?

Q: It is said that "Interest" cannot be avoided in today's world. Is this true?

A: Ribā, or interest, is strongly prohibited in Islam. Consider the following verses and ahādīth:

Allah Ta'ālā says:

وأحل الله البيع وحرم الربا

“Allah has permitted sale and prohibited ribā (interest/usury).”
(Qur'an, 2:275)

Allah Ta'ālā also says:

يا أيها الذين آمنوا اتقوا الله وذروا ما بقي من الربا إن كنتم مؤمنين، فإن لم تفعلوا فأذنوا بحرب من الله
ورسوله

“O you who believe, fear Allah and leave out the remains of ribā, if you are (true) believers. If you do not do so, then let it be an announcement of war with Allah and His Messenger.” (Qur'an, 2:278-9)

Allah Ta'ālā further says:

يا أيها الذين آمنوا لا تأكلوا الربا أضعافا مضاعفة

“O you who believe, do not consume ribā, doubled and multiplied.”
(Qur'an, 3:130)

The hadiths of Rasūlullāh (sallallāhu 'alayhi wasallam) are equally strict on the prohibition of all forms of ribā. Rasūlullāh (sallallāhu 'alayhi wasallam) cursed the one who receives interest and the one who gives it. (Sahīh Muslim; Mishkāṭ al-Masabīh, 2807)

Rasūlullāh (sallallāhu 'alayhi wasallam) said:

درهم ربا يأكله الرجل وهو يعلم أشد من ستة وثلاثين زنية

“One dirham of ribā a man consumes knowingly is worse than thirty three acts of illicit intercourse.” (Musnad Ahmad; Mishkāṭ al-

Masābīh, 2825)

There are many reasons for the strict stance Islam has taken against usury. In an economy infested with usury, we are in a better position to understand the strict stance of Islam. Interest favours the rich and impoverishes the poor. The major imbalance in the distribution of wealth in today's world is a direct consequence of the capitalist economy, which is based on usury.

Hence, interest is a great source of injustice and oppression, referred to as such in the Qur'an (2:179). As Muslims, therefore, we must make all effort to avoid interest.

Since Allah Ta'ālā has ordained that interest is harām, it entails that interest is avoidable. Allah Ta'ālā would not ask us to do something impossible. The Qur'an says:

لا يكلف الله نفسا إلا وسعها

“Allah does not task a soul beyond its capacity.” (2:286)

We understand that the world today is infested with interest. In fact, this situation was prophesied in a hadith reported from RasūlAllāh (sallAllāhu 'alayhi wasallam):

ليأتين على الناس زمان لا يبقى أحد إلا أكل الربا فإن لم يأكله أصابه من بخاره

“A time will come on the people when none will remain but he consumes interest, and if he does not consume it, its vapours will reach him.” (Ahmad, Abū Dāwūd, an-Nasā'ī, Ibn Mājah; Mishkāṭ al-Masābīh, 2818)

Indeed, it is a great challenge in today's time to stay clear of interest. Allah Ta'ālā says:

أَحْسِبَ النَّاسُ أَنْ يُتْرَكُوا أَنْ يَقُولُوا آمَنَّا وَهُمْ لَا يُفْتَنُونَ

“Do people think that they will be left alone only on their saying, ‘We believe,’ and will not be put to any test?” (29:3)

The test of īmān is to face the challenges that Allah Ta‘ālā has set for us.

Although interest is prevalent and the economy is infested with interest, as Muslims we must ensure that all our dealings are free of usury. In doing so, we must trust in Allah, and have faith that He will take care of our provisions. Allah Ta‘ālā says:

وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا، وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ، وَمَنْ يَتَوَكَّلْ عَلَى اللَّهِ فَهُوَ حَسْبُهُ

“Whosoever fears Allah (by observing His commandments), He will make a way out for him. And he will provide him from where he did not imagine. And whosoever puts his trust in Allah, then He will suffice him.” (65:3)

If the whole world practised nudity, should Muslims stoop down to their level and also practice nudity? Rather, Muslims must take all precautions to ensure that this practice is avoided and does not infiltrate their communities.

In the same way, Muslim communities should not succumb to the pressure of accepting the current usurious economy. Instead, they must make their own financial arrangements that are free of interest and anything that does not conform to the Shari‘ah.

CAN WE USE MUSIC TO ATTRACT CUSTOMERS TO OUR SHOP?

Q: Can we use music to attract customers to our shop?

A: Music is strictly forbidden in Islam.
Rasulullah (Sallallahu `Alayhi Wasallam) said:

إن الله حرم علي، أو حرم الخمر، والميسر، والكوبة
“Verily, Allah has made haraam liquor, gambling, and the musical drum.

Rasulullah (Sallallahu `Alayhi Wasallam) also said:

ليكونن من أمتي أقوام، يستحلون الحر والحرير، والخمر والمعازف

Rasulullah (Sallallahu `Alayhi Wasallam) also mentions: “Most certainly, there will be in my Ummah people who will make lawful fornication, silk, liquor and musical instruments.”

Rasulullah (Sallallahu `Alayhi Wasallam) also mentions:

الْكُوبَةُ حَرَامٌ، وَالْدَن حَرَامٌ، وَالْمَعَازِفُ حَرَامٌ، وَالْمَزَامِيرُ حَرَامٌ

The musical drum is haraam. Liquor is haraam, and musical instruments are haraam.

Rasulullah (Sallallahu `Alayhi Wasallam) also states:

استماع الملهي معصية والجلوس عليها فسق والتلذذ بها كفر

“Listening to musical instruments (malaahae) is a major sin; and gathering and sitting together for that purpose is transgression (fisq); and taking delight and pleasure in them is disbelief (kufr).”

It is clear from the above quoted Ahadith that music is strictly forbidden. A Muslim businessman should not play to music to attract customers. Music incurs the wrath of Allah Ta'ala and deprives one of the barakah and blessings in one's business. In order to attract customers, there are many halal alternatives to achieve that.

ERROR IN INVOICE

Q: Normally prices for products we resell are agreed and signed upon on a yearly basis with suppliers. For example we agree on a price for a product from the supplier and generally fix the price for a period. Sometimes when they invoice us for the product they charge us a lower price than the price agreed upon. Do we accept the lower price and do not tell them about it or do we inform them?

A: In a world of deception and cheating, Alhamdulillah it is encouraging to observe your honesty and trustworthiness. It is this attitude that brings Barakah in one's earnings. It is stated in a hadeeth:

عن أبي سعيد عن النبي صلى الله عليه وسلم قال: التاجر الصدوق الأمين مع النبيين و الصديقين و الشهداء (رواه الترمذي ج- ٣ ص ٨٦، الرسالة العالمية)

Abu Sa'id (RA) reports Nabi (SAW) to have said: The honest and trustworthy businessman will be with the Prophets, the Saints and the Martyrs (on the Day of Judgment). (Tirmizi vol.3 pg.68, Al-Risalatul Al-'Alamiyyah)

In principle, if you and the supplier have already agreed upon a price, that price will be binding. It is also a principle that the supplier may give a discount on the agreed price. In the enquired case, it is

possible that the supplier may have given you a discount or may have forgotten the agreement. It is in keeping with honesty that you clarify the situation with the supplier.

و إذا حصل الإيجاب و القبول لزم البيع و لا خيار لواحد منهما إلا من عيب أو عدم رؤية (الهداية ج-٣، ص-٧ إدارة القرآن و العلوم الإسلامية)
هو مبادلة لئال بالمال بالتراضي و يلزم بإيجاب و قبول و يعطى (كنز الدقائق ص-٦٠٤ دار السراج)
و إذا وجد لزم البيع (تنوير الألبصار من الشامي ج-٤، ص-٨٢٥، ح م سعيد)
(فتاوى دار العلوم ديويند ج-٤١ ص-٤٧٢)
(فتاوى دار العلوم ذكريا ج-٥ ص-٢٥)
ولو عطف بعض الثمن و المبيع قائم التحق بأصل العقد (الإختيار ج-٢ ص-٧١، الرسالة العالمية)
و يجوز أن يحط عن الثمن (الهداية ج-٣ ص-٣٧١، إدارة القرآن و العلوم الإسلامية)

IS PAPER MONEY ALLOWED IN ISLAM?

Q: I heard a talk by a certain shaykh that said paper money is not allowed in Islam. Is this correct?

A: Broadly speaking, paper money or banknotes went through two stages in their history:

Initially, they were regarded as certificates or receipts, promising to pay the amount of gold represented by them upon demand. In this earlier period, the receipts or promissory notes were backed up by actual gold. Later, they came to be regarded in international trade, and by the common people, as currency or media of exchange (thaman). No longer were they backed up by gold.

We will discuss each of these scenarios in turn, and in doing so, we will briefly discuss the arguments of those who consider it harām to use paper money as a medium of exchange.

Banknotes as Promissory Agreements:

When paper “money” or banknotes were first introduced, they were legal documents that transferred a debt to the original debtor who promised to pay the amount of gold represented by them upon demand. Those who hold the view that it is impermissible to use banknotes as a medium of exchange argue that to trade with these notes equates to the “sale of a debt” (bay‘ ad-dayn) or “sale of a product before receipt of it” (bay‘ qabl al-qabd) which are impermissible in the Shari‘ah. However, this argument is based on a misunderstanding of Islamic laws of commerce. Using these promissory notes as a medium of exchange would not be regarded as the sale of a debt, but the transfer (hawālah) of a debt. In a sale, once the price has been confirmed, and the transaction concluded, the purchaser is not under an obligation to hand over the money immediately. He may transfer the debt (i.e. the price) due on him to one of his own debtors, and in doing so, he will become free of his debt. The note merely certifies this transfer in writing.

Furthermore, the gold that is represented by the note is the thaman or “price” and not the mabī‘ or “subject of trade.” Thaman is not “sold”, but is merely a medium of exchange. Hence, the jurists have made it clear that for the transaction to be valid, it is not a condition for the thaman to even be in existence. Instead, the purchaser may pay with money that comes into his possession later.

Furthermore, when commodities are sold for money, it is only necessary that possession is taken of either the commodity or the money, and it is not necessary to take possession of both at the time of the transaction. In short, when banknotes were regarded as promissory notes or receipts for the payment of gold, it would have been permissible to use them as media of exchange.

Banknotes as Money:

The above discussion relates only to the period when banknotes were regarded as promissory notes for the payment of a specified amount of gold. However, since the nineteenth century, the international community has regarded banknotes as “legal tender.” Creditors were compelled to accept it for the repayment of a debt. Commercial banks were prevented from producing them, and production was limited to the central government banks. Eventually, in the latter half of the twentieth century, gold and silver became totally disregarded in the appraisal of paper money, and banknotes came to be regarded as money equivalent to gold and silver. Today, banknotes do not represent gold or silver but represent the “purchasing power” of that currency. Hence, they are now legally and customarily regarded as money.

Undoubtedly, banknotes were initially treated as certificates of debt, which is why many earlier ‘ulamā’ regarded them as such and did not consider them wealth. However, describing the later context, Geoffrey Growther wrote in his *An Outline of Money*: “The promise to pay which appears on their face now is utterly meaningless...But it is accepted as money throughout the British Isles.” (p. 16)

Based on this, the vast majority of contemporary jurists favour the opinion that paper money is to be regarded as a form of money, and not a promissory note or receipt.

Those who hold that it is impermissible to use paper money as a medium of exchange argue that banknotes have no intrinsic value, and the ‘value’ assigned to them has merely been imposed by the state. In other words, they are ‘fiat currency,’ that is, given the status of ‘money’ by governments while having no intrinsic value themselves. Hence, they argue, since in a valid sale, both of the items that are exchanged must be wealth (māl) and must have intrinsic value, it is not permissible to deal in paper money.

Instead, according to them, we must revert to the use of gold and silver as media of exchange. This argument is also misplaced. In fact, many early jurists have stated explicitly that a form of currency in vogue at their time, referred to as *fulūs* or artificial currency, holds the same status as dirhams. *Fulūs* contained neither gold nor silver, and were thus ‘fiat currency’ in much the same way banknotes are today. Moreover, the jurists have stated that this status of *fulūs* is based on human conventions and the value assigned to them by people.

>From amongst the jurists, Imām Mālik too approved of using *fulūs* as mediums of exchange. Moreover, *fulūs* were used in the time of the Sahābah. There are no Shar‘ī justifications for drawing a distinction between *fulūs* and present-day banknotes.

Furthermore, customs and norms (‘urf) play a large role in determining what is and what is not regarded as “wealth” in the Sharī‘ah. Ibn ‘Aibdīn ash-Shāmī said:

“The meaning of ‘wealth’ (*māl*) is that which [human] nature inclines towards, and it is possible to store it for a time of need. The attribute of wealth is established by the people regarding [it] as wealth.”

It is also undoubtedly true that in today’s world, fiat currency is accepted by the masses without any coercion or force, and out of free will. Hence, the correct Shar‘ī position is that in today’s time, banknotes are legitimate media of exchange. The view that it is impermissible to use them as a medium of exchange is a minority position which besides being impractical, is not supported by sound arguments from Islamic jurisprudence.

بيع الدين إما يجوز من المدبون (رد المحتار، دار عالم الكتب، ٣٣٧)
عن أبي هريرة رضي الله عنه أنه قال لمروان: أحللت بيع الربا. فقال مروان: ما فعلت؟ فقال أبو هريرة: أحللت بيع الصكاك (وهي الرقاع مكتوب فيها أعطيات الطعام وغيرها مما تعطيه الأمراء للناس) وقد نهى رسول الله صلى الله عليه وسلم عن بيع الطعام حتى يستوفي (صحيح مسلم، ٧٢٨٣)
إذا أحال المشتري البائع على غريم من غرماته لم يسقط حق البائع عن المطالبة بالثمن ولكن غير المشتري قام مقام المشتري في حق تحمل هذه المطالبة... ذمة المشتري قد برئت عن الثمن بالحوالة فيعتبر بما لو برئت بالأداء (لمعيط البرهاني، إدارة القرآن، ٧٣٢: ٨)

ومن أودع رجلا ألف درهم وأحال بها (أي ألف درهم) عليه (أي على المودع) أخر فهو جائز، لأنه أقدر على القضاء فإن هلكت برئ لتقييدها (الحالة) بها (الوديعة) ...وقد تكون الحالة مقيدة بالدين أيضا
ع: كما إذا كان لرجل على آخر ألف درهم وللمدين على آخر كذلك وأحال المدينون الطالب على مدينه بألف على أن يؤديه من الألف التي المطلوب عليه (الهداية مع حاشية، إدارة القرآن والعلوم الإسلامية، ٢٠٥٢)
الشنن غير مقصود بل وسيلة إلى المقصود (رد المحتار، دار عالم الكتب، ١٠٧٠)
اشترط وجود المبيع دون الثمن (للمصدر السابق)

إذا اشترى الرجل متاعا بعينه أو عرضا بعينه أو فاكهة بعينها بفلس ليس عنده فهو جائز لأن الفلس من (المحيط البرهاني، إدارة القرآن، ١٤٤٩)
في عقد غير الصرف يكفي بقبض أحد البديلين (المحيط البرهاني، إدارة القرآن، ١٤٣٩)
إمداد الفتاوى، مكتبة دار العلوم كراچی، ج ٢، ص ٤٣

فتاوى محمودية، ٧٨٣٩ (تعليق)

الفلس من: إن ضاع منها شيء قبل القبض وجب على صاحبه مكافئه لأنه من نوعه (الأصل للإمام محمد، دار ابن حزم، ٢١٤٢)
الفلس من كالدراهم (المبسوط، ٥٢٤١)
إذا اشترى الرجل متاعا بعينه أو عرضا بعينه أو فاكهة بعينها بفلس ليس عنده فهو جائز لأن الفلس من كالدراهم والدنانير...إذا اشترى متاعا بعينه بفلس بعينها فله أن يعطي غيرها مما يروج بين الناس لما ذكرنا أن الفلس من فصار الشراء بالفلس بمنزلة الشراء بالدراهم...الفلس إنما صارت ثمنا باصطلاح الناس (المحيط البرهاني، إدارة القرآن، ١٤٤٩)
قلت: ما قول مالك فيمن أسلف فلسا في طعام؟ قل: لا بأس بذلك في قول مالك. قلت: فما قول مالك فيمن أسلم طعاما في فلس؟ قال: مالك لا بأس بذلك. (المدونة الكبرى، دار الكتب العلمية، ٧٠٣)
يزيد بن أبي حبيب عن مرثد بن عبد الله اليزني قال كان أول أهل مصر يروج إلى المسجد وما رأيته داخلا للمسجد قط إلا وفي كفه صدقة إما فلس وإما غبر وإما صم (صحيح ابن عزيمة، للكتب الإسلامي، ص ٦٦١)
للمراد بالمال ما يعيل إليه الطبع ويمكن ادخاره لوقت الحاجة والمالية تثبت بتمويل الناس كافة أو بعضهم (رد المحتار، دار عالم الكتب، ١٠٧٠)

UDHIYYAH – LOCALLY OR ABROAD?

Q: I would like some advice on where to do Udhiyyah. In some countries the same Udhiyyah is for £15 whereas others range from £60 to £200+. Is there any difference in reward or benefit? As many people choose the cheaper options and countries like Palestine/ Chechnya / Iraq etc. are left without Udhiyyah due to the expenses.

A: Your question is directed towards doing Udhiyyah (slaughtering an animal) abroad and the choice of the country based on the variation of the values of the animals. In some countries the animal is cheaper than others. Before responding to your question, we wish to point out the following:

The practice of Udhiyyah is a salient and an outstanding feature of Islam. To honour, respect and cherish the salient features of Allah is an expression of piety of the heart. This Islamic ritual commemorates and represents the great sacrifice of Ibrahim (Peace be upon him) to sacrifice his son, Isma'eel (Peace be upon him), upon the order of Allah.

While Udhiyyah presents an opportunity for the poor and needy to enjoy meat, the very purpose of Udhiyyah is to seek the closeness of Allah through (spilling blood in offering sacrifice). Prophet Muhammad (Peace be upon him) stated: There is nothing dearer to Allah during the days of Udhiyyah than the sacrificing of animals. The sacrificed animal shall come on the Day of Judgement with its horn, hair, and hooves (to be weighed). The sacrifice is accepted by Allah before the blood reaches the ground. Therefore sacrifice with an open and happy heart.

One should not do Udhiyyah to merely execute the obligation of having an animal slaughtered. The slaughtering of an animal is an act of worship itself and thus it is preferable for a person to slaughter the animal himself and endeavour to experience the spirit of Udhiyyah.

Prophet Muhammad (peace be upon him) advised his daughter: "Oh Fatimah, stand up and witness the slaughtering of your animal. All your sins will be forgiven at the fall of the first drop of blood. And verily, the animal shall be brought forward on the Day of Judgement with its meat and blood and shall be increased in weight seventy times, and then placed on the scale of deeds."

Abu Saeed (May Allah be pleased with him) asked, "Oh Messenger of Allah, is this exclusive to the family of Muhammad (Peace be upon him) who have been distinguished with goodness or for Muslims in general?" The Prophet (Peace be upon him) replied, "[This reward is]

for the family of Muhammad and for the general Muslims too. In reference to your question, the Prophetic instruction for a Muslim is to slaughter his Udhiyyah animal personally and not assign for it to be slaughtered at any other place or country. This is based on the following points:

It is preferable and mustahab to slaughter the animal by the individual himself or at least for the person to witness his Udhiyyah animal being slaughtered, as is the instruction of the Prophet (Peace be Upon Him) himself.

As for the consumption of the meat, it is also preferable for the person himself to consume the meat from his Udhiyyah and also feed others from it. The most virtuous mode of distributing the meat is to distribute one third of the Udhiyyah to the poor and needy, one third to his relatives and neighbors, and the remaining third to be kept for the person himself. However, if one's family members are poor and needy, then it is virtuous to distribute all the meat among them. While it is more virtuous for one to slaughter the animal himself and witness the spirit of Udhiyyah, he may have his Udhiyyah animal slaughtered abroad. In doing so, the following points should be considered:

The ideal situation is to sacrifice an animal locally to witness the spirit of Udhiyyah as well as to express sympathy and solidarity with other fellow unfortunate Muslims by having another Udhiyyah done abroad. Do not choose to do Udhiyyah abroad just because it is a cheaper option.

Remember Allah is aware of the intention of our hearts. The reward of Udhiyyah increases for the one who bears the most sacrifice.

Allah proclaims: "You will never achieve birr (ultimate reward) until you spend from that what you love," and that, "It is neither their meat nor their blood that reaches Allah, but it is piety from you." Hence if a person sacrifices more money upon purchasing his Udhiyyah animal, he will be rewarded accordingly.

A person conducting the slaughtering of his animal in another country should give preference to a place where the residents are most in need; especially those countries which have been afflicted with poverty or political turmoil, such as Somalia, Mali, Iraq, Syria, Palestine etc..

ذلك ، ومن يعظم شعائر الله فإنها من تقوى القلوب

[Al-Qur'an: 22:32]

فلما أسلموا وظلّه للجبين ، ونادى به أن يا إبراهيم قد صدقت الرّيا ، أنا كذلك نعبى المحسنين ، إن هذا لهو البلى المبين ، وفديناه بذبح عظيم

[Al-Qur'an, 37:103-7]

وفي الأضحية اجتمع للعنيان: لأنها تقرب بإراقة الدم وهو اتلاف ...

[A-Bahr al-Amiq fi Manasik al-Mu'tamir wa al-Haaj, 3:1702, Muassasah ar-Rayan]

أن رسول الله صلى الله عليه وسلم قال ما عمل آدمي من عمل يوم النحر أحب إلى الله من إهراق الدم إنها لتأتي يوم القيامة بقرونها وأشعارها وأظلافها وأن الدم يلقى من الله مكان قبل أن يقع من الأرض فطيبوا بها نفسا

[Tirmidhi, 1493; Ibn Maajah, 3118]

[Al-Fatawa al-Hindiyyah, 5:300]

قال رسول الله عليه وسلم ، يا فاطمة قومي فاشهدي اضحيّتك فإن لك يول قطرة تقطر من دمها مغفرة كل ذنب أما إنه يجاء بلحمها ودمها توضع في ميزانك سبعين ضعفا قال أبو سعيد يا رسول الله صلى الله عليه وسلم هذا لآل محمد خاصة فإنهم أهل لما خصوا به من الخير أو للمسلمين عامة قال لآل محمد خاصة والمسلمين عامة

[At-Tarhib wa At-Tarhib, 2/160]

ونذّب أن يذبح بيده أن علم ذلك - لأن الأولى في القرب أن يتولاهما الإنسان بنفسه

[Tabyeen al-Haqa'iq Sharh Kanz ad-Daqa'iq, 6:9, Maktabah Imdadiyah, Multan]

قلت: أرايت الأضحية يذبحها صاحبها أحب إليك أم يأمر غيره؟ قال: يذبحها هو أحب إلي وإن أمر غيره لم يضره

[Al-Asl li al-Imam Muhammad as-Shaybani, 5:411, Dar Ibn Hazam]

وفي فتاوى أهل سمرقند: الأفضل أن يضحي الرجل بيده، إذا قدر عليه وإن لم يقدر فوض إلى غيره ، حكى أن أبا حنيفة فعل بنفسه

[Al-Muhit al-Burhani, 8:468, Idarah al-Qur'an; Al-Fatawa At-Tatarkhaniyah, 17:435-6, Maktabah

Zakariya, Deoband]

[Al-Fatawa Al-Hindiyyah, 5:300; Bahishti Zewar (Mukammal), p.160, Idarah Isha'at-e-Diniyat; Fatawa Bayyinat, 4:559]

إذا ذبحها للمسلم بأمره أجزاء ويكرهه ، والله أعلم

[Al-Jawharat an-Nirah, 2:190]

ولكن ينبغي له أن يشهدنها بنفسه وإن كان ليحسن ذلك فالأفضل أن يستعين بغيره كيلا يجعلها ميتة [Ibid]

[At-Tarhib wa At-Tarhib, 2/160]

ويستحب للمضحي أن يأكل من أضحيته ، ويطعم منها غيره ... فإن الأفضل له أن يدعه لعياله ، ويوسع به عليهم [Al-Fatawa at-Tatarkhaniyyah, 17:436-7; Al-Muhit al-Burhani, 8:469]

الأفضل أن يتصدق بثلاث الضحية ويتخذ التلت ضيافة للأقارب والجيران ويدخر الثلث الباقي

[Al-Fatawa as-Sirajiyyah, p.389, Zamzam & Darul Uloom Zakaria]

وإن كان فقيراً ذاعبال فالأفضل أن يأكله هو وعياله

[Al-Fatawa at-Tatarkhaniyyah, 17:437]

... فإن الأفضل له أن يدعه لعياله ، ويوسع به عليهم

[Al-Fatawa at-Tatarkhaniyyah, 17:436-7; Al-Muhit al-Burhani, 8:469]

والذبح يده إن أن أحسن والأمر غيره

[Sharh al-Wiqayah ma'a Umdat ar-Ri'ayah, 7:258, Dar al-Kutub al-Ilmiyyah]

انه عليهم بذات الصدور

[5:11, na'ruQ-lA]

قالت عائشة رضي الله عنها: يا رسول الله يصدر الناس ينسكين وأصدر ينسك؟ فقيل لها: انتظري فإذا ظهرت فأعرجي إلى التمتع فأهلي ثم ائتينا بمكان كذا ولكنها على قدر نفقتك أو نصيبك

[Saheeh Bukhari, 1695; Saheeh Muslim, 2448]

لن تنال البر حتى تنفقوا مما تحبون

[Al-Qur'an, 3:92]

لن ينال الله لوجوها ولا دماءها ولكن يناله التقوى منكم

[Al-Qur'an, 22:37]

البقرة أفضل من الشاة في الأضحية إذا استوتا في القيمة لأنها أعظم وأكثر ، والشاة أفضل من سبع البقرة إذا استوتا في القيمة واللحم لأن لحم الشاة أفضل من سبع البقرة وإذا كان سبع البقرة أكثر لحماً فسبع البقرة أفضل والأفضل في هذا أنهما إذا استوتا في القيمة واللحم فأطيبهما لحماً أفضل وإذا اختلفا في القيمة واللحم فالأفضل أول

[Al-Muhit Al-Burhani, 8:468]

فمن يحمل مثقال ذرة غيرا يرم

[Al-Qur'an, 99:7]

مثل الذين ينفقون أموالهم في سبيل الله كمثل حبة انبتت سبع سنابل في كل سنبلة مائة حبة ، والله يضعف لمن يشاء ، والله واسع عليم

[Al-Qur'an, 2:261]

وأطعموا القانع والمعتر

[Al-Qur'an, 22:36]

قال النبي صلى الله عليه وسلم: من ذبح قبل الصلوة فليعد ، فقام رجل فقال: هذا يوم يشتهي فيه اللحم وذكر من جيرانه فكان النبي صلى الله عليه صدقه ، قال: وعندي جذعة أحب إلي من شاتي لحم فرخص له النبي صلى الله عليه وسلم فلا أدري: أبلغت الرخصة من سواء أم لا

[Saheeh al-Bukhari, 911]

HELPING A DRUNKARD?

Q: I saw a drunkard falling into a drainage pit and i did not help out as i thought i should not help him because of his sin. Did i do the right thing?

A: Rasulullah Sallallahu Aaihi Wa Sallam said:
 الرَّاحِمُونَ يَرْحَمُهُمُ الرَّحْمَنُ اَرْحَمُوا اَهْلَ الْاَرْضِ يَرْحَمَكُم مَّنْ فِي السَّمَاءِ

“Allah, the most Merciful has mercy upon the merciful. Have mercy on those on earth, the being in the sky (Allah) will have mercy on you.”

A drunk person is a creation of Allah. He has erred by drinking intoxicants. While we abhor that evil habit, we do not abhor the drunk person as a human being. He deserves our sympathy and assistance. If he fell in the drainage pit, he should be assisted and taken out. If he has hurt himself express sympathy to him with kind and loving words and offer him medical assistance.

If one shows mercy to any creation of Allah, Allah will shower His mercy upon the merciful. Rasullullah Sallallahu Alaihi Wa Sallam told us of how an immoral woman was forgiven for showing mercy to a thirsty dog. Love, mercy and compassion enhances the beauty in a person's character.

الرَّاحِمُونَ يَرْحَمُهُمُ الرَّحْمَنُ اَرْحَمُوا اَهْلَ الْاَرْضِ يَرْحَمَكُم مَّنْ فِي السَّمَاءِ (سنن أبي داود، ج4 ص582، المكتبة العصرية)
 (Sunan Abi Dawood, V.4 Pg.285, Al Maktaba Al Asariyyah)

SHOWING A LOWER PROFIT MARGIN TO PAY LOWER TAX

Q: I live in the UK and run my own business. Paying taxes is affecting my life and my charity giving what do i do? Under Islam what are the rules for paying taxes. In the uk we have to pay 20% value added tax on profit made on every sale and then 25% corporation tax on the profit made at the end of the year, that's 45% in taxes!

Other Muslim people are not doing this by showing lower profit margins thus paying a lot less tax. Is this allowed in Islam?

A: We have stated in numerous of our Fataawaa that Muslim citizens residing as minorities in non-Muslim countries should conduct themselves as responsible citizens and abide by the citizenship agreement if they are not un-Islamic. If one is faced with an un-Islamic law, make use of the legal channels to address such concerns with one's Government.

Do not take the law in your own hands and do not violate the laws of the country. As an earning U.K. citizen, you are required to pay the various taxes. The general concept of an earning citizen contributing to the national budget is not completely alien to Islam. A citizen residing in a Muslim country is also required to contribute to national budget of the Government to fulfil its national responsibilities. Yes, there are different in the underlying philosophies and methodologies of taxes between a Muslim country and a non-Muslim country.

If you feel that the taxes are exorbitant, you should consider consulting a tax consultant and seek his guidance on how to decrease the taxes. You may adopt all legal avenues to do so without resorting to lies and deception. If one has expenses and that could decrease the profit margin, then one may adopt that avenue to decrease the taxes.

In order to do this, it is best to a tax consultant who has the expertise to use the law to one's advantage.

قال المحقق: الكذب مباح لإحياء حقه ودفع الظلم عن نفسه والمراد التعريض لأن عين الكذب حرام قال ابن عابدين: (قوله الكذب مباح لإحياء حقه) كالشفيع يعلم بالبيع بالليل، فإذا أصبح يشهد ويقول علمت الآن، وكذا الصغيرة تبلغ في الليل وتختار نفسها من الزوج وتقول: رأيت الدم الآن واعلم أن الكذب قد يباح وقد يجب والضابط فيه كما في تبين المحارم وغيره عن الإحياء أن كل مقصود محمود يمكن التوصل إليه بالصدق والكذب جميعاً، فالكذب فيه حرام، وإن أمكن التوصل إليه بالكذب وحده فمباح إن أبيع تحصيل ذلك المقصود، وواجب إن وجب تحصيله كما لو رأى معصوماً اختفى من ظالم يريد قتله أو إزاده فالكذب هنا واجب وكذا لو سألته عن ودعة يريد أخذها يجب إنكارها، ومهما كان لا يتم مقصود حرب أو إصلاح ذات البين أو استمالة قلب المجني عليه إلا بالكذب فيباح، ولو سألته سلطان عن فاحشة وقعت منه سرا كزنا أو ضرب فله أن يقول ما فعلته، لأن إظهارها فاحشة أخرى، وله أيضاً أن ينكر سر أخيه، وينبغي أن يقابل مفسدة الكذب بالمفسدة المترتبة على الصدق، فإن كانت مفسدة الصدق أشد، فله الكذب، وإن العكس أو شك حرم، وإن تعلق بنفسه استحب أن لا يكذب وإن تعلق بغيره لم تجز المسامحة لحق غيره والعزم تركه حيث أبيع، وليس من الكذب ما اعتيد من المبالغة كجنتك ألف مرة لأن المراد تفهيم المبالغة لا المرات فإن لم يكن جاء إلا مرة واحدة فهو كاذب له ملخصاً ويدل لجواز المبالغة الحديث الصحيح «وَأَمَّا أَبُو جَهْمٍ فَلَا يَضَعُ عَصَاهُ عَنْ عَاتِقِهِ» قال ابن حجر المكي: ومما يستثنى أيضاً الكذب في الشعر إذا لم يمكن حمله على المبالغة كقوله: أأأدعوك ليلاً ولهاراً، ولا أخلي مجلساً عن شركته، لأن الكاذب يظهر أن الكذب صدق ويروجه، وليس غرض الشاعر الصدق في شعره، وإنما هو صناعة وقال الشيخان يعني الرافي والنووي بعد نقلهما ذلك عن الأفتال والصيدلاي وهذا حسن بالغ اهـ

رد المحتار على الدر المختار 427/6 - سعيد فتاوى محمودية 233/24 - جامعہ فاروقیہ امداد الفتاوی 152/4 - مکتبہ دار العلوم کراچی

SMS COMPETITIONS & OFFERS

Q: In the celebration of Women's Day, Spar is offering a R150 OFF pamper voucher. In order to qualify, one has to only send an sms charged at R1.50. Normal sms rates and free sms's do not apply. Is it permissible to participate in such an offer?

A: In South Africa, any participation in an (SMS) short message service competition is charged at R1.50. On the other hand, a normal message is charged at a lesser rate. An (SMS) short message service competition is structured in the following manner:

Structure:

1. The networking company (MTN, VODACOM, CELLC etc.).
2. The (SMS) competition company (SMSCA/WAPSA etc.).
3. The Business Company (Spar etc. hosting the competition).

The networking company sells a short code (a five digit code) to the (SMS) competition company to administer the competition. At times, the (SMS) competition company is appointed as an agent to sell the short code to the business company hosting the competition.

The short code is used for value-added messages which can be billed at a higher rate than a standard SMS and may even subscribe a customer to a recurring monthly service.

In order to participate in a competition, a person has to send a message to a short code which will subscribe him/her to the competition.

Costs of Competition/Offer:

The customer sends a message to the short code charged at R1.50. The networking company subtracts 60 cents of the R1.50. The remainder 90 cents is charged as the cost of the message.

An amount of 40 cents of the 60 cents is earned by the (SMS) competition company. The balance of 20 cents is earned by the business company. (Note: the above figures are approximate and may differ using different services). In analyzing the Shariah compliancy of an (SMS) competition/offer, we have to determine if the element of gambling exists. Gambling is defined as a contract of risking loss or gain. In a general (SMS) competition, the two contracting parties are the customer and the business company. The customer subscribes to the competition by paying R1.50 in order to win, for e.g. R1000 or lose R1.50. As such, an (SMS) competition constitutes gambling (Qimaar) and is Haraam.

However, in the enquired scenario, that is not the situation. One is paying R1.50 and is guaranteed a R150 Off Spar pamper voucher. There is no contract of loss or gain. This is categorized as a conditional goodwill (Tabaar-e-Mashroot) by the business company in which the business company gifts the R150 Off Spar pamper voucher to anyone who sends an (SMS) message to the business companies short code in order to qualify for the voucher. This type of a conditional goodwill (Tabarru-e-Mashroot) is permissible in Shariah.

Hence, in the enquired situation, it would be permissible to participate in the Spars R150 Off pamper voucher offer as it does not entail any form of gambling (Qimaar), rather, it is a conditional goodwill (Tabaar-e-Mashroot) by the business company to anyone who sends an (SMS) to the business companies short code in order to qualify and is permissible in Shariah.

وَسَمِيَ الْقِمَارُ قِمَارًا لِأَنَّ كُلَّ وَاحِدٍ مِنَ الْمُقَامَرِينَ مَعْنَى يَجُوزُ أَنْ يَذْهَبَ مَالُهُ إِلَى صَاحِبِهِ، وَيَجُوزُ أَنْ يَسْتَفِيدَ مَالُ صَاحِبِهِ وَهُوَ حَرَامٌ بِالنَّصِّ، وَلَا كَذَلِكَ إِذَا خُرِطَ مِنْ جَانِبٍ وَاحِدٍ لِأَنَّ الزِّيَادَةَ وَالنَّقْصَانَ لَا تُحْكِنُ فِيهِمَا بَلْ فِي أَحَدِهِمَا تُحْكِنُ الزِّيَادَةُ، وَفِي الْآخَرِ الْإِنْتِقَاصُ فَقَطُّ. فَلَا تَكُونُ مُقَامَرَةٌ لِأَنَّهَا مُتَاعَلَةٌ مِنْهُ زَيْلَعِي ١ رَدِ

[المختار على الدر المختار، ج ٦، ص 403، دار الفكر-بيروت]

وصورة ذلك: أن يقول الرجل لغيره: تعال حتى نتسابق، فإن سبق فرسك، أو قال: إيلك أو قال: سهمك أعطيك كذا، وإن سبق فرسي، أو قال: إيلي، أو قال: سهمي أعطني كذا، وهذا هو القمار بعينه؛ وهذا لأن القمار مشتق من القمر الذي يزداد وينقص، سمي القمار قماراً لأن كل واحد من المقامرين ممن يجوز أن يذهب ماله إلى صاحبه ويستفيد ماله صاحبه فيزداد مال كل واحد منهما مرة وينقص أخرى فإذا كان المال مشروطاً من الجانبين كان قماراً، والقمار حرام، ولأن فيه تعليق عمليك المال بالخطر، وإنه لا يجوز { المحيط البرهاني، ج 5، ص 323، دار الكتب العلمية، بيروت - لبنان } . وَسَمِيَ الْقِمَارُ قِمَارًا؛ لِأَنَّ كُلَّ وَاحِدٍ مِنَ الْقِمَارِيِّينَ مَعْنَى يَجُوزُ أَنْ يَذْهَبَ مَالُهُ إِلَى صَاحِبِهِ وَيَجُوزُ أَنْ يَسْتَفِيدَ مَالُ صَاحِبِهِ فَيَجُوزُ الْإِزْدِيَادُ

وَالنَّفْصَانُ فِي كُلِّ وَاحِدَةٍ مِنْهُمَا لَفَصْرٌ ذَلِكَ قِمَارًا وَهُوَ حَرَامٌ بِالنَّصِّ وَلَا كَذَلِكَ إِذَا شُرْطِيَ مِنْ جَانِبٍ وَاحِدٍ بَأَن يَقُولَ إِنْ سَقَيْتَنِي فَلَكَ عَلَيَّ كَذَا، وَإِنْ سَقَيْتُكَ فَلَا شَيْءَ لِي عَلَيْكَ؛ لِأَنَّ النَّفْصَانَ وَالزِّيَادَةَ لَا يُمْكِنُ فِيهِمَا وَإِنَّمَا فِي أَحَدِهِمَا يُمْكِنُ الزِّيَادَةُ وَفِي الْأُخْرَى النَّفْصَانُ فَلَا يَكُونُ مُقَامَرَةً؛ لِأَنَّ الْمُقَامَرَةَ مُقَاعَلَةٌ مِنْهُ فَيَقْتَضِي أَنْ يَكُونَ مِنَ الْجَانِبَيْنِ وَإِذَا لَمْ يَكُنْ فِي مَعْنَاهُ جَارٍ أَشْخَاصًا (البحر الرائق، ج 8، ص 554، دار الكتاب الإسلامي)

وَيَصِحُّ تَغْلِيظُ هَبَةٍ وَخَوَالَةٍ وَكَفَالَةٍ وَإِزْرَامٍ عَنْهَا مَلَائِمُ (الدر المختار، ج 5، ص 255، دار الفكر-بيروت) وَمَا يَصِحُّ وَ لَا يَبْطُلُ بِالشَّرْطِ الْقَاسِدُ.... كَوَهْبَتِكَ هَذِهِ الْمَائَةِ أَوْ تَصَدَّقْتَ عَلَيْكَ بِهَا عَلَى أَنْ تَخْدُمَنِي سَنَةً نَهْرًا، فَتَصِحُّ وَيَبْطُلُ الشَّرْطُ لِأَنَّهُ قَاسِدٌ وَفِي جَامِعِ الْفُضُولَيْنِ: وَيَصِحُّ تَغْلِيظُ الْهَبَةِ بِشَرْطِ مَلَائِمِ كَوَهْبَتِكَ عَلَى أَنْ تَعُوْضَنِي كَذَا، وَلَوْ مَخَالِفًا تَصِحُّ الْهَبَةُ لَا الشَّرْطُ. (رد المحتار على الدر المختار، ج 5، ص 249، دار الفكر-بيروت)

أَلْقَى شَيْئًا وَقَالَ مَنْ أَخَذَهُ فَهُوَ لَهُ فَلَحَنَ سَمِعَهُ أَوْ بَلَغَهُ ذَلِكَ الْقَوْلُ أَنْ يَأْخُذَهُ وَإِلَّا لَمْ يَلِكُهُ..... لِأَنَّهُ أَخَذَهُ عَلَى وَجْهِ الْهَبَةِ وَقَدْ تَمَّتْ (بِالْقَبْضِ). (رد المحتار على الدر المختار، ج 4، ص 285، دار الفكر-بيروت)

(رَجُلٌ قَالَ لِأَخَرٍ: مَنْ أَكَلَ مِنْ مَالِي فَهُوَ فِي حِلٍّ، فَتَوَتَّى عَلَى أَنَّهُ يَحِلُّ، كَذَا فِي الشَّرْحِ الْجَدِيدِ (الفتاوى الهندية، ج 5، ص 345)

إذا وضع الرجل مقداراً من السكر، أو عدداً من الدراهم بين قوم، وقال: من شاء أخذ منه شيئاً، أو قال: من أخذ منه شيئاً فهو له، فكل (من أخذ) منه شيئاً يصير ملكاً له، ولا يكون لغيره أن يأخذ ذلك منه؛ لأن هذا بمنزلة الهبة منه (المحيط البرهاني، ج 5، ص 353/354، دار الكتب العلمية، بيروت - لبنان)

احسن الفتاوى، ج 7، ص 259/260، ايج ايم سعيد كمبني
جامع الفتاوى، ج 9، ص 223، ادارہ تالیفات اشرفیہ
فتاوی دار العلوم زکریا، ج 5، ص 496-485، زمزم پبلشرز

FINE ON DELAYED PAYMENT

Q: If a person purchases goods on credit with the stipulation that payments will be in instalments, any fine due to delayed payment thereafter is clearly usury and interest. What can Muslim shop owners and businessmen do to be able to give goods on credit, ensure their payment is received on time and also abstain from usury? Please provide an answer.

A : It is permissible to purchase a commodity on cash or on credit on the stipulation that the deferred price is predetermined and agreed upon at the time of contracting the sale. However, according to Sharia, if the customer defaults in payment at the due date, the predetermined price cannot be increased and no further cost or fine can be imposed upon the defaulter .

Nevertheless, Muslim owners and businessmen may feel restricted since this can be potentially exploited by dishonest purchasers who intentionally fail to pay at its due date knowing that they will not be summoned to any additional amount on account of default. Therefore, the Islamic jurists have devised mechanisms to overcome this issue:

1. The businessmen and shop-owners could develop a system where such defaulters are duly penalised by depriving them from enjoying any facility from that company in future. However, this will be most effective where the businesses and companies are working in collaboration with each other and thus the defaulters are deprived from enjoying any facility from all the corporates within the umbrella. Prophet Muhammad (peace be upon him) said: "All the conditions agreed upon by the Muslims are upheld, except a condition which allows what is prohibited or prohibits what is lawful."
2. The seller and purchaser may conclude a transaction whereby the price is agreed to be paid by a stipulated time; and if the purchaser defaults in payment within that certain period, the transaction would be void. This option in the terminology of Islamic jurists is called *Kh-iyar an-Naqd* (an option as to payment) .
3. Alternatively, the seller may further inflate the overall deferred price of the commodity at the time of transaction and then promise

to provide a discount equivalent to the amount inflated on receiving regular payment on instalments.

For example: A wants to sell a commodity for a total of R3 000 under an instalment plan. A wants to ensure regular payment and thus inflates the price of the commodity and sells it to B for a deferred payment of additional R500 constituting R3 500 in total. A promises an incentive and discount of R500 only if B does not default in his regular payment. In this way, A will efficiently retrieve the R3 000 price for the commodity and B will ensure he does not default in regular payment in order to save R500.

It is important to note that, however, if the default is due to a genuine reason, such as poverty, it will be a gesture of goodwill from the businessman to give respite to the customer and lengthen the time by which the payment is due. Allah Ta'ala says: "And if he (the debtor) is short of funds, then he must be given respite until he is well off."

According to Hadhrat Mufti Muhammad Taqi Usmani (may his shadow remain upon us), the company may compel the customer, when entering into a transaction, to a self-undertaken vow and promise that in defaulting in payment at the due date, a specified amount would be paid as a deterrent, importantly not to serve the interests of the company but, to a specific charitable fund.

From a practical and theoretical point of view, point three seems to be more favourable; as in the case of a penalty, it does not solve the creditor's problem. In the alternate situation, even if the debtor falters in the timeous payment, the creditor will be entitled to the excess R500 which may be more than the penalty amount and which does not compensate the creditor.

[AN INTRODUCTION TO ISLAMIC FINANCE, P.133-137, MAKTABA MA'ARIF AL-QUR'AN]

DURAR AL-HUKKAM FI SHARH MAJALLAT AL-AHKAM, RULE. 313

[AL-QUR'AN, 2: 280]

عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم: من يسر على معسر يسر الله عليه في الدنيا والآخرة

[IBN MAJAH, 2412]

قال رسول الله صلى الله عليه وسلم: من أحب أن يظله الله في ظله فلينظر معسرا أو ليضع له

[IBID, 2414]

SEE: [AN INTRODUCTION TO ISLAMIC FINANCE, P.137-140, MAKTABA MA'ARIF AL-QUR'AN]

CASH AND CREDIT SALES

Q: There is a late payment executed in a fixed number of instalments at certain times with a price higher than the cash price. Is this sale permitted?

A: It is permissible to sell or purchase a commodity on fixed instalments at higher price than the cash price on condition that the deferred date of payment and price is predetermined and agreed upon at the time of contracting the sale.

For example, it is permissible for the seller to stipulate that if the buyer purchases a vehicle on cash then the cost will be R30000; however, if the same vehicle is purchased as a deferred payment on instalments, then the cost will be R35000. The date of payment and final purchase price must be specified when concluding the deal. However, according to Sharia, if the customer defaults in payment at the due date, the predetermined price cannot be increased and no further cost or late payment fine can be imposed upon the defaulter .

Similarly, the price cannot be unilaterally decreased if the customer settles the account prior to the deferred date . The debtor may ask the creditor for a discount on an earlier payment. If the creditor accepts to give a discount to the debtor, that will be a gesture of goodwill from his side as he is not bound to give him a discount upon an early payment of the debt .

... أما إذا كان البيع بطريق المراجعة وقد صرح فيه البائع بزيادة في الثمن من أجل الأجل وقد أفتى المتأخرون من الحنفية ويجوز للمشتري أن يزيد للبائع في الثمن ويجوز للبائع أن يزيد للمشتري في المبيع ويجوز أن يعط عن الثمن ويتعلق الاستحقاق بجميع ذلك

[AL-HIDAYAH, 3:80, MAKTABAH RAHMANIYYAH, LAHORE]

ويجوز أن يحط من الثمن

[AL-MUKHTASAR LI AL-QADOORI, P.83, QADIMI KUTUB KHANA, KARACHI]

لأن لأجل شئها بالمبيع، ألا ترى أنه يزداد في الثمن لأجل الأجل، والشبهة في هذا ملحقة بالحقيقة

[AL-HIDAYAH, 3: 78]

لأن الأجل في نفسه ليس مهال ، فلا يقابله شئ حقيقة إذا لم يشترط زيادة الثمن بمقابلته قصداً، ويزاد في الثمن لأجله ، إذا ذكر الأجل بمقابلة الأجل قصد

[AD-DURR AL-MUKHTAR MA' A RADD AL-MUHTAR, 5:142; FATAWA HINDIYYAH, 3:136; FAT' H AL-QADEER, 6:262; TABYEEN

AL-HAQAA' IQ, 4:433]

[FATAWA DAR AL-ULOOM DEOBAND, 14: 338-9, DAR AL-ISHA' AT, KARACHI; FATAWA MAHMOODIYYAH, 16:151-9, DAR

AL-IFTA JAMIAH FAROQIYYAH, KARACHI]

أما الأئمة الأربعة وجمهور الفقهاء المحدثين ، فقد أجازوا البيع المؤجل بأكثر من سعر النقد بشرط أن يثبت العاقدان بأنه بيع مؤجل بأجل معلوم وبثمن ، متفق عليه، عند العقد

[BUHOOTH FI QADHAYA FIQHIIYYAH MU' ASARAH, P.12, DAR AL-QALAM, DAMASCUS]

SEE: [AN INTRODUCTION TO ISLAMIC FINANCE, P.133-137, MAKTABA MA' ARIE AL-QUR'AN]

ومن هنا ذهب جمهور العلماء إلى القول بتحريم (ضع وتعتل

[BUHOOTH FI QADHAYA FIQHIIYYAH MU' ASARAH, P.28]

وبهذا نأخذ، من وجب له دين على إنسان إلى أجل، فسأل أن يضع عنه ، ويعجل له ما بقي ، لم ينمخ ذلك ، لأنه يعجل قليلاً بكثير ديناً، فكأنه يبيع قليلاً نقداً بكثير ديناً ، وهو قول عمر بن الخطاب وزيد بن ثابت وعبد الله ابن عمر. وهو قول أبي حنيفة

[AL-MUWATTA LI AL-IMAM MUHAMMAD, 1:334]

إذا كان عليه دين مؤجل، فقال لغريمه: ضع عني بعضه وأعجل لك بقيته، لم يحز

[AL-MUGNI LI IHN QUDAMAH MA'A AS-SHAH AL-KABIR, 4:174-5]

وأما الربا في الدين فهو على وجهين: أحدهما أن يبيع رجلا متاعا بالنسيئة فلما حل الأجل طالبه رب الدين فقال للمدين، زدني في الأجل
أزدك في الدراهم ففعل ذلك ربا. والثاني أن يقول رب الدين للمدين قبل محل الأجل أعطني مالي فأحط عنك بعضا من ديني ففعل فإن
ذلك ربا للمدين ولا يحل له ذلك

[AN-NUTAF FI AL-FATAAWAA, p.296, DAR AL-KUTUB AL-ILMIYYAH, BEIRUT]

من يسر على معسر يسر الله عليه في الدنيا والآخرة: عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم

[IHN MAJAH, 2412]

قال رسول الله صلى الله عليه وسلم: من أحب أن يظله الله في ظله فلينظر معسرا أو ليضع له

[IHD, 2414]

LOTTERY FUNDING

Q: About us – Inter-Madrassah Organisation (hereafter referred to as IMO)

Background and Context: Following the IMO Board meeting to consider a funding application for a Sports Academy the question of public funding was raised and in particular the appropriateness of Lottery grant. The Board is to re-convene sometime May 2014 to consider both the bid and the relative merits of its funding source. In the event we have to seek Lottery funding, the Board will have to seek a unanimous decision without any abstentions to either approve or reject a funding application to the Lottery operator, Camelot.

IMO has experienced funding cuts during the period of changes and cut back in grants in the UK. The Government's austerity measures has hit organisations such as IMO who were largely dependent on Government funding to deliver its objectives. Similarly the cut back in Local Government funding leaves limited options for funding other than trust and or charitable foundations.

As a consequence the competition for funds is much greater and chances of success limited.

The Fatwa:

This Fatwa will form a major guide to that decision making process. All the trustees on the IMO Board are Sunni Muslims. The Board needs appropriate Shariah Guidance to make the necessary decision for the benefit of IMO and its beneficiaries.

I am asking this fatwa on behalf of the Board of IMO; an organisation, which aims to deliver projects which are aimed predominantly at young Muslims within our area. Its roots as stated in the title are based on the promotion of sports targeting young people within the Madrassah community with the outcome to engender physical and emotional well-being. In recent times, due to many challenges facing Muslims the work of IMO has also extended to promote community cohesion and ensuring that Muslims are better understood by the wider community. IMO mainly operates in Blackburn, the northern English town where the Muslim community accounts for about 20% of the overall population. In the inner-urban parts of the town, Islam is confidently practised with numerous Masjids and Madrassahs.

The inner-town concentration of Muslim population is about 40%. One such challenge that IMO has understood and has now become a part of its community strategy is to get the town's different faith and or no faith community working together and create a better understanding/confidence in each other. Our basis of a major bid to the National Lottery fund is to work across the Borough of Blackburn to develop a major Sports Academy which is part of an overarching Sports Development Strategy to better integrate all communities.

IMO the organisation has the following aims and objectives as part of its Charity Commission registration:

“To act as a resource for young people up to the age of 25 by providing advice and assistance and organising programmes of physical, educational and other activities as a means of:

- a) Advancing in life and helping young people by developing their skills, capacities and capabilities to enable them to participate in society as independent, mature and responsible individuals;
- b) Advancing education;
- c) Relieving unemployment;
- d) Providing recreational and leisure time activity in the interests of social welfare for people living in the area of benefit who have need by reason of their youth, age, infirmity or disability, poverty or social and economic circumstances with a view to improving the conditions of life of such persons.”

The above aims are mostly achieved by bidding for funds from local, regional and national organisations which provide funding to improve the lives of young people.

National Lottery

The only major source to deliver the Sports Academy project is through the National Lottery.

The operator of the National Lottery, Camelot, has a statutory responsibility to fund good causes from a percentage of gambling revenues through the sales of lottery tickets. This meant that over £35 million was allocated weekly to National Lottery Good Causes during 2012/13 and to date over £31 billion has been allocated to good causes. Camelot is responsible for generating returns for National Lottery Good Causes but plays no role in the allocation of funding, which is the responsibility of 12 National Lottery distribution bodies, each with specialist knowledge of their sectors.

In the year to 31 March 2013, the money National Lottery grants were allocated to projects which promoted health, education, environment, sports, arts and heritage.

Fatwa Question:

1.Can organisations which to was set-up predominantly and overwhelmingly benefit Muslims in the aspects identified above (i.e. health, education, environment, sports, arts and heritage) apply for funding from the National Lottery Good Causes fund?

2.Can the funds be used where the Lottery is the last source of funding, where the impact will have a positive impact on the non-Muslim community and encourages better inter-action and leads to greater cohesion and sense of belonging

3.Can National Lottery Good Causes funding, if successfully applied for, be used to pay the salaries of Muslim staff? Currently not all the paid staff are Muslims.

4.In the event that the answer to question 1 and 2 is negative, would it be acceptable to apply for National Lottery Good Causes funding as part of a consortium where we are NOT the lead partner. Our role would be to lend support to the bid and to then act as a sole delivery agent. Our delivery would still be funded by the National Lottery grant being pass-ported through the lead agency?

The Outcome: The drafted Fatwa will be circulated along with the Sports Academy papers with a recommendation to either approve or reject the grant application.

A: The National Lottery Fund is owned and regulated by the Government and as such the Government has appropriation (istīla) of the funds.

If the bid is approved, it will be by the appropriation (istīla) of the Government, hence the money may be used for the projects in reference. Alternatively, the Fuqahā have ruled that harām money could also be donated for public utilities. Accordingly, the funds from the National Lottery Fund could be used for the public projects in reference.

It should be understood that as Muslims we are strongly averse to gambling due to it being expressly harām. We even resent the mere attribution to it. In the enquired case, while there may be a leeway to utilise the funds based on fiqhi maxims and technicalities, the committee should ensure that there is no negative consequences whatsoever in pursuing the bid. In such a situation, maslahah should be strongly considered.

[IMDĀD AL-AḤKĀM, 4: 408, MAKTABAH DĀR AL-ULŪM KARACHI]

فإن كفار مكة أخرجهم وأخذوا أموالهم وفي الآية دليل على أن كفار مكة ملكوا أموال المهاجرين التي خلفوها وهاجروا عنها لأن الله تعالى أطلق عليهم الفقراء والفقير من لا يملك شيئاً وليس من لا يملك مالا وهو في مكان لا يصل إليه فقيراً بل هو مخصص باسم ابن السبيل ولذا عطفوا عليه في نص الصدقة ومن هاهنا قال أبو حنيفة ومالك الكفار إذا استولت على أموال المسلمين ملكوها بشرط الاحتراز بدارهم عند أبي حنيفة وبمجرد الاستيلاء عند مالك وقال الشافعي لا يملكونها وذكر ابن همام لأحمد فيه روايتين كقول أبي حنيفة وكقول الشافعي وذكر ابن الجوزي قول أحمد كقول الشافعي لا غير ويؤيد مذهب أبي حنيفة من الأحاديث ما رواه أبو داود في مراسيله عن عويم بن طرفة قال وجد رجل مع رجل ناقة له فارتفعا إلى النبي - صلى الله عليه وسلم - فاقام البيئة لها له واقام الآخر البيئة لله اشترأها من العدو فقال رسول الله - صلى الله عليه وسلم - إن شئت أن تأخذ بالنعم الذي اشترأها به فالت أحق والا فغل عنه ناقة والمرسل عندنا وعند أكثر أهل العلم حجة

[AL-TAFSIR AL-MAZHARI (ARABIC), 7: 75-6, DAR AL-KUTUB AL-ILMIYYAH]

[MA'ARIF AL-QUR'AN, 8: 371-2, RAHMANI BOOK DEPOT, DELHI]

[FATAWA DAR AL-ULUM ZAKARIYYA, 5: 241-244, ZAMZAM PUBLISHERS]

[MAULANA ZAMR AHMAD, IMDAD AL-AHKAM, 4: 386-90, MAKTABAH DAR AL-ULUM KARACHI]

کفار مخاطب بالفروع فی العقوبات والمعاملات اگرچہ ہیں لیکن حکم بالحرمۃ والفساد کے لئے خطاب عام کافی نہیں بلکہ التزام بھی شرط ہے۔ اہل حرب نے تو احکام اسلام کا التزام بالکل نہیں کیا۔ نہ اپنے معتقد کے موافق میں اور نہ مخالف میں لہذا وہ تو جس طرح بھی روپیہ کمائیں خواہ رباہ سے خواہ غصب سے خواہ بیوع باطلہ و فاسدہ سے خواہ اپنے مذہب کے موافق خواہ مخالف طریق سے بہر صورت وہ روپیہ وغیرہ ان کی ملک میں

[IMDAD AL-AHKAM, 4: 390, MAKTABAH DAR AL-ULUM KARACHI]

پس یہی حکم و حال یہاں بھی ہوگا کہ محکمہ جس کے اصحاب حل وعقد خالص غیر مسلم یوں یا مشترک ہوں مگر اقتدار اعلیٰ غیر مسلم کے ہاتھ میں ہو اور وہ اپنے طور پر سودی کاروبار نفع حاصل کرکے کوئی رقم جمع کرے اور بطور تبرع کسی مسلمان ملازم کو دے تو اس کا لینا جائز رہے گا اور ہمد انعام داخل ہو کر طیب و حلال شمار ہوگا، اس کے علاوہ پہلی دونوں وجوہ (تبدیل ملک سے حکم تبدیل عین ہو جاتا ہے) اور (الخلط استهلاك کا ضابطہ) بھی صادق آ کر حکم حرمت ختم ہو جاتا ہے۔ جو حضرات احتیاط برتتے ہیں اور یہ رقم نہیں لیتے، یہ احتیاط

شرعا اس وقت تک معتبر ہوگی جب تک کے کہ یہ ظن غالب ہو کہ نہ لینے کی صورت میں محکمہ اس رقم کو کسی غیر مسلم مذہبی ادارہ میں نہیں دیگا، اور اگر اس کا ظن غالب ہو جائے کہ ملازم اس رقم کو نہیں لے گا تو محکمہ اس رقم کو کسی غیر مسلم مذہبی ادارہ میں "دان کھاتہ" میں دے دیگا تو پھر یہ نہ لے لینا شرعا صحیح و معتبر نہ ہوگا، بلکہ اس صورت میں کوئی شخص تقویٰ پر عمل کرنا چاہیے تو اس کی یہ صورت ... ہوگی کہ محکمہ سے وصول کرکے خود غریب و پریشان حال مسلمانوں پر بلا نیت ثواب صدقہ کردے یا کسی دینی ادارہ میں دیدے

[MUNTAKHABAT NIZAM AL-FATAWA, 1: 208-9, MAKTABAH RAHMANNIYAH, LAHORE]

دار غیر اسلام میں تو بہت سے عقود فاسدہ میں فقہاء متأخرین نے توسع کیا ہے اور اس کے نظائر اکابر کے فتاویٰ میں ہے

وإذا تزوج النصراني نصرانية على ميثاق أو على غير مهر وذلك في [MUNTAKHABAT NIZAM AL-FATAWA, 1: 253, MAKTABAH RAHMANNIYAH, LAHORE] دینہم جائز ودخل بها أو طلقها قبل الدخول بها أو مات عنها فليس لها مهر وكذلك الحريراني في دار الحرب وهذا عند أبي حنيفة رحمه الله وهو قولهما في الحريراني وأما في الذمية فلها مهر مثلاً إن مات عنها أو دخل بها وللمتعة إن طلقها قبل الدخول بها وقال زفر رحمه الله لها مهر المثل في الحريراني أيضاً له أن الشرع ما شرع ابتغاء النكاح إلا بالمال وهذا الشرع وقع عاماً فيثبت الحكم

على العموم ولهما أن أهل الحرب غير ملتزمين أحكام الإسلام وولاية الإلزام منقطعة لتباين الدار بخلاف أهل الذمة لأنهم التزموا أحكامنا فيما يرجع إلى المعاملات كالزنا والزنا وولاية الإلزام متحققة لاتحاد الدار ولأبي حنيفة رحمه الله أن أهل الذمة لا يلتزمون أحكامنا في الديانات وفيما يعتقدون خلافه في المعاملات وولاية الإلزام بالسيف وبالجماعة وكل ذلك منقطع عنهم باعتبار عقد الذمة فإنما أمرنا بأن نتركهم وما يدينون فصاروا كأهل الحرب بخلاف ولهما أن أهل الحرب غير ملتزمين الأحكام) وليس لنا عليهم ولاية الإلزام للتباين، بخلاف أهل الذمة فإنهم التزموا في المعاملات، وولاية الإلزام ثابتة فتعززه إذا زل ونهاه عن الربا ونحكم بفساده والنكاح منها، ولذا تجري عليهم أحكامهم من لزوم النفقة والعدة وثبوت النسب والتوارث به وثبوت خيار البلوغ وحرمته المطلقة ثلاثاً ونكاح المحارم. وقد يقال من طرف زفر عدم التزامهم وقصور الولاية منا عنهم لا ينفي تحقق الوجوب عليهم لعموم الخطاب، حتى إذا تراضوا إلينا نقضي عليهم بما لزمهم حال كونهم حراً وإنا إنما أضرنا الوجوب ليظهر عند إمكان إلزامهم أثره

قوله ولأبي حنيفة) حاصله منع المقدمة القائلة إنهم التزموا أحكامنا في المعاملات بل ليسوا ملتزمين بعقد الذمة ما يعتقدون خلافه منها إلا ما شرط عليهم)

[FAT' H AL-QADIR, 1: 253, لا تمنعهم من بيع الخمر والخنزير ونكاح المحارم، كذا في بعض كتب الفقه

وإذا تزوج الكافر بغير شهود أو في عدة كافر وذلك في دینہم جائز ثم أسلموا أقرأ عليه وهذا عند أبي حنيفة وقال زفر رحمه الله النكاح فاسد في الوجهين إلا أنه لا يتعرض لهم قبل الإسلام والمراضة إلى الحكم وقال أبو يوسف ومحمد رحمهما الله في الوجه الأول كما قال أبو حنيفة رحمه الله في الوجه الثاني كما قال زفر رحمه الله له أن الخطابات عامة على ما مر من قبل فتزعمهم وإنا لا يتعرض لهم لذمتهم إعراضاً لا تقريراً فإذا تراضوا أو أسلموا

والحرمة قائمة وجب التفريق ولهما أن حرمة نكاح المعتدة مجمع عليها فكانوا ملتزمين لها وحرمة النكاح بغير شهود مختلف فيها ولم يلتزموا أحكامنا بجميع الاختلافات ولأبي حنيفة رحمه الله أن الحرمة لا يمكن إلثامها حقاً للشرع لأنهم لا يخاطبون بحقوقه ولا وجه إلى إيجاب العدة حقاً للزوج لأنه لا يعتقد به خلاف ما إذا كانت تحت مسلم لأنه يعتقد به وإذا صح النكاح فعالة المرافعة والإسلام حالة البقاء والشهادة ليست شرطاً فيها وكذا العدة لا تنافيها كالمندوحة إذا وطئت بشبهة

[MUFTI ABDUR RAHIM LAFUR, FATAWA RAHIMIYYAH, 9: 256-60, DAR AL-ISHA'AT, KARACHI]

یہ سود ہے مگر ڈاک خانہ سے وصول کر لینا چاہئے۔ وصول کر کے خود کسی قومی کام میں خرچ کر دینا چاہئے

[AL-JAM'ITYAH, 3 RABI' AL-AWWAL, 1350 A.H., 20 JULY 1931, COLUMN No. 3-4]

وصول کرنے کے بعد اس روپیہ کو امور غیر میں جو رفاہ عامیہ تعلق رکھتے ہوں۔ مثلاً پتائی و مساکین اور طلبائے مدرسہ اسلامیہ کے وظائف اور امداد کتب وغیرہ میں خرچ کرنا یا مسافر خانہ یا کواں، سڑکوں پر روشنی کرنا۔ یہ سب صورتیں جائز ہیں، البتہ مسجد پر خرچ نہ کیا جائے کہ یہ (قدس مسجد کے لئے مناسب ہے) یہ فتویٰ جامعہ حسینیہ رانڈیر کے کتب خانہ میں محفوظ ہے

PS: THERE ARE EIGHT SIMILAR FATAWA RENDERED BY MUFTI MUHAMMAD KIFAYATULLAH.

SEE: [MUFTI ABDUR RAHIM LAFUR, FATAWA RAHIMIYYAH, 9: 257-8, DAR AL-ISHA'AT, KARACHI]

ولا خلاف بين أهل العلم في تحريم القمار

[AHKAM AL-QUR'AN LI AL-JASSAS, 2:465, DAR IHTYAT-TURATH AL-ARABI, BEIRUT]

... وهو حرام بالنص القمار

[RADD AL-MUHTAR ALA AD-DUR AL-MUEHTAR, KITAB AL-HADHR WA AL-IBAHAH, 6:403]

ALSO SEE: [FATAWA MAHMOODIYYAH, 16:387-340; TAKMILAH FATH AL-MULHIM, 1:320; AHSAN AL-FATAWA, 7:24-5]

FOR A DETAILED DISCUSSION SEE: [ISLAM AUR JADEED MA'ASHER MASA'IL, 3:307-19, IDARAH ISLAMIAAT]

BENEFITS PROGRAM FOR EMPLOYEES

My company recently announced a new end of term benefits for us expatriate employees, and I am trying to determine if this is permissible or not. As per the new benefits, we now have 2 options to opt into.

Option 1:

is to continue as before with no monthly contribution from my end. The end of service benefit remains the same, which is depending on total number of years service multiplied by my final salary.

For example, if an employee separates after 8 years of service with a base salary of 6,000, the payout from the program would be 36,000 (6 x 6,000). 6 times is determined from the following defined table:

Completed Service Payout:

Less than 3 years Zero

3 years to less than 6 years 3 x salary

6 years and less than 9 years 6 x salary

9 years and less than 12 years 9 x salary

more than 12 years 12 x salary

Option 2:

The employee will contribute 8% monthly plus 5% from his yearly bonus - the company then contributes the same as well as a bigger payout at time of resignation. There is no interest involved from any investments. The company has confirmed that the money will not be invested in any fund, but will be invested back into the company.

Using the same example above for option2 will be:

For example, if an employee separates after 8 years of service with a base salary of 6,000, the payout from the program would be 144,000 (24 x 6,000). 24 times is determined from the following defined table:

Completed Service Payout:

Less than 3 years 1 x service years x salary

3 years to less than 6 years 2 x service years x salary

6 years and less than 12 years 3 x service years x salary

12 years to 20 years 3.5 x service years x salary minus (6 x salary)

Is option 2 permissible?

A: It is important to understand that Islam has laid down a few guiding principles for investments in regards to the distribution of profit and loss that every Muslim must adhere to who contributes (or invests) capital as a partner in any sort of business venture:

- (1) He must assume the risk of loss
- (2) He is entitled to a share in the 'profit'
- (3) There cannot be a fixed rate of return ; therefore, no lump sum may be allocated for him

In regards to the benefits program offered by your employer, the company will be acting on your behalf by investing part of your income into the company itself. Therefore, under Islamic law, you qualify as being an investor and partner in this company.

“Option 2” of the Global Payroll Benefits Program offered by your company violates all three rules of investment mentioned above. As such, it will not be permissible for you to participate in such a program.

RENTAL PARTNERS

Q: I have a property n wish to sell half share of it. The partner agrees but says he will pay a little at a time. It takes about 6 months to pay the full amount. My question is this : when does he begin to be a partner? At the time of the agreement or upon fulfilling the first payment or upon completion of the total amount? So when does he begin to receive his share of the rentals? Also sometimes it takes alot of time, telephone calls and trips to n fro for collections of rent and repairs etc. Can i deduct these costs from the rentals before distribution?

A: According to Shari'ah a contract of sale is concluded with a proposal to sell or purchase and with an acceptance to purchase or sell in past or present tense. The immediate payment for the transaction is not a requirement for the validity of the transaction. As such, the partner shall receive his share from the moment he purchases the house even if he has not paid off the house in full.

Furthermore, it will not be feasible to deduct a portion of the income in order to compensate yourself for collecting rent. As an alternative, you may increase your profit ratio from the partnership through mutual consent with your partner. This amount may not be in lump sum, but instead, it must be based on a percentage of the profit.

(الْبَيْعُ يَنْتَهِي بِالْإِيجَابِ وَالْقَبُولِ) الْإِيجَادُ هَاهُنَا تَعَلُّقُ كَلَامِ أَحَدِ الْعَاقِدَيْنِ بِالْآخَرِ قَرْنًا عَلَى وَجْهِ تَطَهُّرِ الْكَلِمَةِ فِي الْمَحَلِّ. وَالْإِيجَابُ الْإِثْبَاتُ. وَيُسَمَّى مَا تَقَدَّمَ مِنْ كَلَامِ الْعَاقِدَيْنِ إِيجَابًا لِأَنَّهُ يَثْبُتُ لِلْآخَرِ جِثَارَ الْقَبُولِ، فَإِذَا قِيلَ يُسَمَّى كَلَامُهُ قَبُولًا وَجِثَارًا لَا خَفَاءَ فِي وَجْهِ تَسْمِيَةِ الْكَلَامِ الْمُتَقَدِّمِ إِيجَابًا وَالْمُتَأَخِّرِ قَبُولًا وَمُزْنَةً أَنْ يَكُونَ الْإِيجَابُ وَالْقَبُولُ بِالْفُطْيِ مَخِيتَيْنِ مِثْلَ أَنْ يَقُولَ الْمُوجِبُ بَعْتُ وَالْمُجِيبُ افْتَرَضْتُ لِأَنَّ الْبَيْعَ إِثْمَاءُ قَضَائِي فَرَضِي، وَكُلُّ مَا هُوَ كَذَلِكَ فَهُوَ يُعْرَفُ بِالشَّرْعِ، فَالْبَيْعُ يُعْرَفُ بِهِ (العناية شرح الهداية، ج ٣، ص ٧٥٤، دار الكتب العلمية)

narUQ lufira'aM habatkaM,201 gp ,inamhtU iqaTiftuM yb ecnaniF cimaisl ot noitcudortnl

وَالثَّانِي، أَنْ يَكُونَ الْمُثْنُ عَالِمًا فَإِنْ كَانَ مُؤَجَّلًا لَا يَثْبُتُ عَلَى الْغَيْبِ؛ لِأَنَّ وَلِيَّةَ الْغَيْبِ تَقْبُضُ عَلَى الْبَائِعِ لِبَطْلِهِ الْمُسَاوَاةَ عَادَةً لِمَا يَبَيَّنُّ، وَلَمَّا رَاجَ وَبَعَثَ مُؤَجَّلًا فَقَدْ أَسْقَطَ عَلَى نَفْسِهِ قَبْضَ الْوَلِيَّةِ وَأَوْ كَانَ الْمُثْنُ مُؤَجَّلًا فِي الْعَقْدِ فَلَمْ يَقْبِضْ الْمُشْتَرِي الْمُبِيعَ حَتَّى عَلَى الْأَجَلِ كُلَّهُ أَنْ يَقْبِضَهُ قَبْلَ نَقْدِ الثَّمَنِ، وَلَيْسَ الْبَائِعُ عَلَى الْغَيْبِ؛ لِأَنَّهُ أَسْقَطَ عَلَى نَفْسِهِ بِالسَّاقِطِ مُتَلَفٍ فَلَا يَحْتَمِلُ الْعَوْدَ، وَكَذَلِكَ لَوْ طَرَأَ الْأَجَلُ عَلَى الْعَقْدِ بِأَنْ أُعْزِ الْمُثْنُ بَعْدَ الْعَقْدِ فَلَمْ يَقْبِضْ الْبَائِعُ حَتَّى عَلَى الْأَجَلِ لَهُ أَنْ يَقْبِضَهُ قَبْلَ نَقْدِ الثَّمَنِ، وَلَا يَمْلِكُ الْبَائِعُ عُسْرَةَ لِمَا فَالَمَّا (بدائع الصنائع، ج ٥، ص ٩٤٢، دار الكتب العلمية - قديمي)

وَأَمَّا ضَرَايِطُ لُزُومِ الْبَيْعِ بَعْدَ انْتِقَادِهِ وَتَقَاذُهِ وَصَبْغِهِ فَوَاجِدٌ وَهُوَ أَنْ يَكُونَ خَالِيًا عَنْ عِيَارَاتٍ أَرْزَقَتْ عِيَارَ الْغَيْبِ وَعِيَارَ الشَّرْطِ وَعِيَارَ الْعَيْبِ وَعِيَارَ الرُّفُوتِ فَلَا يَلْزَمُ مَعَ أَحَدٍ هَذِهِ الْعِيَارَاتُ (بدائع الصنائع، ج ٥، ص ٢٧٤، دار إحياء التراث)

[قال الحصكفي] (يُؤَيِّجُ عَلَى تَرْكِهٍ يَحْضِرُهُ مِنْهُ إِنْ أَدَّى مِنْ مَالٍ نَفْسِيهِ) أَيِ مَعَ بَقَاؤِ مَالِ الشَّرِكَةِ وَإِلَّا فَالشَّرِكَةُ لَهُ خَاصَّةٌ لِئَلَّا يَصِيرَ مُشْتَرِكًا عَلَى مَالِ الشَّرِكَةِ وَلَا لِأَنَّ

بَعَثَ

(١٩) ابن عابدين: أي إن لم يَبْقَ مال الشركة: أي لم يَبْقَ في يدي مال خاص بل صار مال الشركة أمتاعاً وأمتعة فاشترى بزمانيه أو ذكائره بسيطة فالشراء له خاصة دون شريكه، لأنه لو وقع على الشركة صار مُتَعَدِّيًا على مال الشركة (رد المحتار على الدر المختار، ج ٤، ص ٤١٣-٤١٢، إيج إيم سعيد كمبني)

(المادة ٥٨٢) إعطاء المشتري زفتاً أو ثياباً أو ثمن لا يُسْقَطُ حتى الغبن، وكذلك إيتاء البائع للمشتري من قبض الثمن المسمى لا يُسْقَطُ حتى البائع في غبن المبيع كله، فإذا كان البائع أن يترك المبيع حتى يقبض الثمن المُعْجَل (رد المحتار، هندية) (درر الحكام شرح مجلة الأحكام، ج ١، ص ٢٤٢، دار الكتب العلمية)

(المادة ١٨٢) إذا سلم البائع المبيع قبل قبض الثمن فقد أسقط حتى غيبه وفي هذه الصورة ليس للبائع أن يشتري المبيع من يد المشتري ويخبره إلى أن يستوفي الثمن إن عثر البائع في غبن المبيع ينسحب بأخذ عقر سبياً: ١ - أن يسلم البائع المبيع إلى المشتري قبل قبض الثمن المُعْجَل، ولو كان البائع في الصغير ٤ - ... إذا قبض المشتري المبيع ورثة البائع فسكت ٥ - ٦ - أن يشتري شخص الثأر التي يسلكها. ففي هذه الأحوال الشئ ينسحب حتى البائع في غبن المبيع (انظر المادة ٦٧٢) (هندية خلاصة، بركات) وفي هذه الأحوال الشئ أيضاً ليس للبائع غبن المبيع أو استرداداً ليخبره حتى يقبض الثمن (درر الحكام شرح مجلة الأحكام، ج ١، ص ٢٤٢، دار الكتب العلمية)

(المادة ٣٨٢) في بيع الشيعة ليس للبائع غبن المبيع بل عليه أن يسلم المبيع إلى المشتري على أن يقبض الثمن وقت حلول الأجل. أي إذا كان كل الثمن مؤجلاً (هندية) مثلاً إذا باع شخص متاعاً يقبض مؤجلاً ولم يطلب المشتري قبض المبيع فعلاً أجل قبض المبيع للمشتري أن يقبض المبيع قبل قبض الثمن وليس للبائع غبنه لاستيفاء الثمن (درر الحكام شرح مجلة الأحكام، ج ١، ص ٢٤٢، دار الكتب العلمية)

مطلَب في غبن المبيع يقبض الثمن وفي هلاكه وما يكون قبضاً [تبيين]:
للبائع غبن المبيع إلى قبض الثمن، ولو بقي منه درهم ولو المبيع ضئيل يصفقه واجبة، وسُمي لكلاً، فمما قلته غنمهما إلى استيفاء الأجل، ولا ينسحب حتى الغبن بالثمن ولا بالكفيل، ولا يلزمه عن قبض الثمن حتى يستوفي الباقي، وينسحب بمقالة البائع على المشتري بالثمن اتفاقاً وكذا بمقالة المشتري البائع به على رجل يبتدئ أي يوسف، وعند محمد فيه رويان، ويُتَأَجَّلُ الثمن بعد البيع وتُسَلِّمُ البائع المبيع قبل قبض الثمن فليس له نخذه، ونُذِّه إليه (رد المحتار على الدر المختار، ج ٤، ص ١٦٥، إيج إيم سعيد كمبني)

(المادة ٤٨٢) إذا باع غالباً في مُعْجَلٍ لِمَجْلٍ البائع الثمن سَقَطَ حتى غيبه للمبيع وعليه حينئذ أن يسلم المبيع للمشتري على أن يقبض الثمن وقت حلول الأجل. لأن تأجيل البائع فيما بعد في حكم التأجيل لِمَجْلٍ فيكون قد أسقط حكمه في غبن المبيع حسب المادة الألفية وليس له أن يخبر المبيع إلى حلول الأجل (درر الحكام شرح مجلة الأحكام، ج ١، ص ٢٤٢، دار الكتب العلمية)

(المادة ٣٥٣) للمشتري أن يبيع المبيع لآخر قبل قبضه إن كان عقاراً... وقد جوزة الشنخاري استيفاءً لأن ركن البيع أن يتصور من أهله أن يكون البائع والمشتري مُتَعَدِّيًا عابدين: أي يقع في عمله أي في حال مفقود ومما أن الهلاك نادر في العقار ولا اعتبار للتأجيل فليس في بيع العقار قبل القبض عَرَضُ الانقضاء كما في بيع المنقول (انظر المادة ٤٢٠). (تدقيق) وقول المصنف (للمشتري أن يبيع) يعني أن البيع ضيق وفيه إشارة إلى المسألة الكلية وهي أن البيع المذکور لا يكون لذماً ولا نافذاً لأنه مؤجل على أداء المشتري الأول وهو البائع الثاني. فمن المبيع للبائع الأول أو على رضاه (انظر المادة ٨٧٢) يعني إذا كان البيع الأول على أن الثمن مُعْجَلٌ قَلَّمَ يَدْفَعُ المشتري الثمن إلى البائع حتى ذلك الحين فإذا رضي البائع ببيع المشتري بالعقار فليتبع الثاني نافذ (درر الحكام شرح مجلة الأحكام، ج ١، ص ٢١٢-٢١٠، دار الكتب العلمية)

Fatawa Darul Uloom Zakariyya, vol. 5, pg. 696-697, Zam Zam Publishers;

ولا يُشْرَطُ تسليم المالكين ولا غلطهما كذا في حركات المؤن
(الفتاوى الهندية، ج ٢، ص ٦٠٢، مكتبة رشدية)

(المادة ١٣٣١) - (تقديم شركة العقيد إلى قسمتي. ولكن وقع شركة كهيئة على المسؤولة القائمة كادراً وإذا عقدوا الشركة يكونوا في المسؤولة القائمة تكون شركة عتبان)

(قال علي حيدر) ولا يُشْرَطُ غلط رأس المال في شركة العتبان كما لا يُشْرَطُ ذلك في شركة المسؤولة. ولذلك لو كان لأحد مالاً ديناراً ولاخر مالاً ريالاً فمعهما وعقدوا بذلك عقد شركة عتبان واشترى أولاً بالمال الثاني واشترى بالمال الثاني ديناراً آخر وخمساً في أحد المتاعين ونصيباً في المتاع الآخر فيكون الشئ والفساد حسب رأس مالهما لأن الشئ في الشركة مُشْتَرَكٌ على العقد وليس على المال، ولذلك لا تُشْرَطُ المسؤولة والاعتداء والغلط (رد المحتار والوافيات والخبر) (درر الحكام شرح مجلة الأحكام، ج ٢، ص ٨١٣-٨١٢، دار الكتب العلمية)

وَأَمَّا قَوْلُهُ: الشَّرْكَه تَتَّبِعُ عَنِ الْإِخْلَاطِ فَهَسَلَّمَ. لَكِنْ عَلَى اخْتِلَاطِ رَأْيِي الْمَالِ، أَوْ عَلَى اخْتِلَاطِ الرُّبْعِ هَذَا يَمَّا لَا يَتَعَرَّضُ لَهُ لَفْظُ الشَّرْكَه، فَيَجُوزُ أَنْ يَكُونَ تَسْمِيَةً شَرَكَةً لِاخْتِلَاطِ الرُّبْعِ، لَا لِاخْتِلَاطِ رَأْسِ الْمَالِ، وَاخْتِلَاطِ الرُّبْعِ يُوَجِّدُ أَنْ اشْتَرَى كُلُّ وَاحِدٍ مِنْهُمَا مَالًا نَفْسَهُ عَلَى جِدَّةٍ، لِأَنَّ الرُّبَاعَةَ وَهِيَ الرُّبْعُ تَخْدُثُ عَلَى الشَّرْكَه (وَأَمَّا مَا هَلَكَ مِنْ أَعْدِ الْمَالِيِّ قَبْلَ الْخَلِاطِ: فَإِنَّمَا كَانَ مِنْ تَصِيبِ صَاحِبِهِ خَاصَّةً: لِأَنَّ الشَّرْكَه لَا تَكُونُ إِلَّا بِالشَّرَاءِ، فَمَا هَلَكَ قَبْلَهُ هَلَكَ قَبْلَ تَعَلُّمِ الشَّرْكَه، فَلَا تُغْتَفَرُ عَنِّي أَوْ هَلَكَ بَعْدَ الشَّرَاءِ بِأَعْيُوبِهِمَا: كَأَنَّ هَالِكًا مِنَ الْمَالِيِّ جَمِيعًا، لِأَنَّهُ هَلَكَ بَعْدَ تَعَلُّمِ الْعَقْدِ (وَأَمَّا) تَسْلِيمُ رَأْسِ مَالِ كُلِّ وَاحِدٍ مِنْهُمَا إِلَى صَاحِبِهِ وَهُوَ الْخَلِاطُ بَيْنَ مَالِهِ وَبَيْنَ صَاحِبِهِ، فَلَيْسَ يَضُرُّ فِي الْعَيْنِ، وَالْمُفَاوَضَةُ جَمِيعًا وَأَنَّهُ شَرَطُ لِبَعْضِ الْمُضَارَبَةِ، وَالْفَرَقُ بَيْنَهُمَا يُذَكِّرُ فِي كِتَابِ الْمُضَارَبَةِ. (بدائع الصنائع، ج ٥، ص ٩٧-٩٨، دار إحياء التراث)

وَالَّذِي يَخْتَصُّ بِالْإِشْرَاقِ بَيَانُ الْقَدْرِ الَّذِي تَقْبُثُ فِيهِ الشَّرْكَه فَهَوَلُ وَيَالِهِ التَّوْفِيقِ: الْمُشْتَرَى لَا يَخْلُو إِذَا كَانَ يَكُونُ لِوَاحِدٍ فَإِنَّمَا أَنْ يَكُونَ لِثَنَيْنِ أَوْ أَكْثَرَ فَإِنْ كَانَ لِوَاحِدٍ فَأَشْرَكَ فِيهِ غَيْرُهُ فَلَا يَخْلُو إِذَا أَنْ يَشْرَكَ فِي قَدْرِ مَعْلُومٍ كَالنُّصْفِ وَالثُّلُثِ وَالرُّبْعِ وَنَحْوِ ذَلِكَ، وَإِنَّمَا أَنْ أَطْلُقَ الشَّرْكَه فَإِنَّ الشَّرْكَهَ فِي قَدْرِ مَعْلُومٍ فَلَهُ ذَلِكَ الْقَدْرُ لَا حَاقَ فِيهِ: لِأَنَّ عِلْمَ الْمُشْتَرِي فِيهِ يَثْبُتُ فِي قَدْرِ مَا أُصِيفَ إِلَيْهِ هُوَ الْأَصْلُ... وَلَوْ أَشْرَكَ زَجَلًا فِي بَعْضِهِ فَلَمْ يَقْبِضْهُ حَتَّى يَضُمَّهُ لِلزَّجَلِ بِالْجِنَارِ إِنْ شَاءَ أَحَدٌ يَضْفُ مَا يَقْبِي وَهُوَ نِصْفُ الْكُلِّ وَإِنْ شَاءَ ذَاكَ: لِأَنَّهُ كَانَ لَهُ نِصْفُ شَائِعٍ مِنْ ذَلِكَ فَمَا هَلَكَ هَلَكَ عَلَى الشَّرْكَه وَمَا يَقْبِي يَقْبِي عَلَى الشَّرْكَه وَأَلَهُ الْجِنَارُ إِذَا كَانَ قَبْلَ الْقَبْضِ: لِأَنَّ الصُّفَّةَ هُنَا تَقْرِيحُ عَلَيْهِ، وَكَذَلِكَ لَوْ بَاعَ زَجَلٌ يَضْفُ الْكُلَّ هَلَكَ بَضْفُهُ قَبْلَ الْقَبْضِ لِمَا فَلْنَا وَلَوْ كُنْ مَكَانَ الْهَلَاكِ لَشِغْفَاقًا بِأَنْ اسْتَحَقَّ يَضْفُ الْكُلَّ فَهَهُمَا يَخْتَلِفُ عِلْمُ الشَّرْكَه وَالْبَيْعُ فَيَكُونُ النُّصْفُ الْبَاقِي لِلْمُشْتَرِي خَاصَّةً فِي الْبَيْعِ وَفِي الشَّرْكَه يَكُونُ بَيْنَهُمَا وَإِنَّمَا كَانَ كَذَلِكَ: لِأَنَّ الْبَيْعَ أُصِيفَ إِلَى بَعْضِ شَائِعٍ وَتَعَدَّلَ تَقْيِيدُهُ فِي النُّصْفِ الْمُشْتَقِّ لِلنَّعْدَامِ الْمِلْكِ وَأَمَّا تَقْيِيدُهُ فِي بَعْضِ الْمَمْلُوكِ فَيُجِبُ تَقْيِيدُهُ فِيهِ وَكَذَلِكَ فِي الشَّرْكَه إِذَا أَنْ تَقْيِيدُهُ فِي النُّصْفِ الْمَمْلُوكِ يَقْتَضِي الْمُسَاوَاةَ بَيْنَهُمَا فِي ذَلِكَ النُّصْفِ، وَكَذَلِكَ بِأَنْ يَكُونَ بَضْفُهُ لِلزَّجَلِ وَبَضْفُهُ لَهُ (بدائع الصنائع، ج ٥، ص ٧٤، دار إحياء التراث)

Imdadul Ahkam, vol. 3, pg. 330 & 339, Maktabah Darul Uloom Karachi;

Imdadul Ahkam, vol. 3, pg. 356, Maktabah Darul Uloom Karachi;

Fatawa Rahimiyyah, vol. 9, pg. 183, Darul Ishaat

Fatawa Diniyyat, vol. 4, pg. 276, Jami'ah Husayniyyah

TECHNICAL VIDEO ENGINEER

Q: I got a job as Technical Video Engineer in Primefocus technologies and my role will be *Live Streaming Sports Events and Transcoding for Videos on Demand. *Installing and testing new facilities and equipment based on VoIP workflows and Networking. Does shariah allow such kind of jobs ?

A: Your sensitivity to earning a halal income is commendable. Earning a halal income invokes the mercy of Allah Ta'ala and barakah in one's wealth.

In your query, you have listed three types of work that you will be involved with. Our analysis on each is as follows:

1.Live Streaming Sports Events: Typical sports events may display adverts that expose underdressed women , promote items such as cigarettes and alcohol , and play music in the background . The consequence all of these negativities may be lesser or worse depending on which sports you are expected to stream. Furthermore, some `Ulamā` held a staunch view against watching sports events as it leads many Muslims to waste their time and even be negligent of their Islamic duties.

2.Transcoding for Videos on Demand: Most VOD services include objectionable content such as movies and TV shows. While sports events may not include high levels of inappropriate content, it is apparent that movies and TV shows are a prime source for immoral content depicting people in varying situations that become worse depending on the intended audience of a specific movie or show. This is disregarding the fact that VOD here may include even more filthy content depending on the services and packages offered by each individual company.

3.Installing and testing new facilities and equipment based on VoIP workflows and Networking: While this part of the job does not seem to hold any issues contradictory to Sharī`ah, we are unable to comment unless we know what this “testing” entails and how exactly is such a company intending to use VoIP for their services.

Based on the analysis above, we advise you to desist from such types of work and seek employment elsewhere.

وَأَمَّا الْمَرْءُ الْمَرْغُوبُ الَّذِي لَا يَكُنْ فِيهِ وَبَيْنَهُمَا وَلَا خِشْيَةٌ مِنْ يَحِلُّ لَهُ يَكَاَحُهَا فَلَيْسَ يَنْتَبِهُ لَهُ أَنْ يَنْظُرَ إِلَى نَجْوَى مِنْهَا مَكْشُوفًا إِلَّا الْوَجْهَ وَالْكَفَّ
(الأصل للإمام محمد بن الحسن الشيباني، ج ٢، ص ٥٣٢، دلا ابن حزم)

وَأَمَّا الْوُجْهُ السَّاجِسُ وَهُوَ الْأَعْيُنُ الْغَائِبَةُ عَنْ النَّظَرِ لِأَعْيُنِهِ مِنَ الْأَعْيُنِ الْخَرُوفَةِ إِلَى سَائِرِ بَدَنِهَا إِلَّا الْوَجْهَ وَالْكَفَّ لِقَوْلِهِ تَبَارَكَ وَتَعَالَى { قُلِ لِلْمُؤْمِنِينَ يَعْصُوا مِنْ
أُصْطَرِّهِمْ } إِنْ أُلْزِمَ النَّظَرُ إِلَى مَوَاضِعِ الْوَجْهِ الظَّاهِرَةِ وَهِيَ الْوَجْهَ وَالْكَفَّ
(بدائع الصنائع، ج ٦، ص ٢٩٤، دار الكتب العلمية)

(ولا ينظر من اشتبه إلى وجهها إلا الحاكم والشاهد وينظر الطبيب إلى موضع مرضها) والأصل أنه لا يجوز أن ينظر إلى وجه الأجنبية بشهوة لما روي لنا إلا للضرورة
(البحر الرائق، ج ٨، ص ٢٩١، إيج ايم سعيد كميني)

(وَالْعَرَابُ) لَفْعٌ: كُلُّ مَا يَنْفَرُ وَأَصْلًا (مَا يُشَكَّرُ وَالْمُعْتَمَرُ مِنْهَا أَيْتُهُ) أَنْوَاعُ
(الْأَكُولُ: الْخَمْرُ وَهِيَ الْبَيَّةُ) يَكْمُرُ النَّوْنُ فَتَشْدِيدُ الْيَاءِ (مِنْ مَاءِ الْعَنْبِ إِذَا غَلَى وَطَفَفَ وَقُدِّى) أَيْ رَمَى (الرَّيْدُ) أَيْ الرُّغْوَةُ وَلَمْ يَنْفَرُ فَلَا فَوَ بِهِ قَالَتْ الْفَالَةُ بِهِ أَخَذَ
أَبُو عَفْصٍ الْكُيُوبُ وَهُوَ الْكُفُّورُ كَمَا فِي الشُّرْبِ لِلْبَلَاءِ عَنْ الْمَوَاهِبِ وَيَأْتِي مَا يُفِيدُهُ وَقَدْ قُطِّلَ الْخَمْرُ عَلَى غَيْرِ مَا دَكَّرَ مُجَارًا لَمْ يَرْغَ فِي أَحْكَامِهَا الْخَمْرُ فَقَالَ (وَعَمَّ قِيلَ لَهَا
وَكَيْفَئِذَا) بِالإِخْمَاعِ
(الدر المختار مع حاشية ابن عابدين، ج ٤، ص ٨٦٦، إيج ايم سعيد كميني)

(قوله وكه كل ليهو) أي كل لعب وعيب فاللغة بمعنى واحد كما في شرح التاويلات والإطلاق شامل لنفس الفعل، واستماعه كالرقص والمغربية والتصفيق وضرب
الأوتار من الطنبور والبربط والرياب والقانون والمزمار والصنج والبوق، فإنها كلها مكروهة لأنها زي الكفار، واستماع ضرب الدف والمزمار وغير ذلك حرام وإن سمع
بغثة يكون معذورا ويجب أن يجتهد أن لا يسمع فهستالي
(رد المحتار علي الدر المختار، ج ٦، ص ٥٩٣، إيج ايم سعيد كميني)

Fatāwā, v. 10 p. 236, Dārul Ishā'at

The majority of cable- and telco-based television providers offer both VOD streaming, including pay-per-view and free content, whereby a user buys or selects a movie or television program and it begins to play on the television set almost instantaneously, or downloading to a DVR rented from the provider, or downloaded onto a PC, for viewing in the future. Internet television, using the Internet, is an increasingly popular form of video on demand.

["Video on Demand", Wikipedia, accessed on December 27, 2014]

Fatāwā Haqqāniyyah, v. 2 p. 469, Jāmi'ah Dārul 'Ulūm Haqqāniyyah

Fatāwā Mahmūdiyyah, v. 19 p. 511, Darul Iftaa Jāmi'ah Fārūqiyyah

"MPAA", IGN, accessed on December 27, 2014, <http://www.ign.com/wikis/content-ratings/MPAA>

RETIREMENT PROGRAMS & LIFE INSURANCE FOR EMPLOYEES

Q: 1. Are Employee benefits such as contributing to an employee's retirement permissible considering that that fund that is chosen is Non Shariah compliant?

2. Is it permissible to provide cover for employees (Non - Muslim) from the employer (Muslim) for the following: Life Insurance,

Disability Cover and Severe illness? This will be done under the basis that the employer contributes half of the premium and the employee contributes the balance.

A : 1. Since there are numerous types of retirement/pension programs that different employers have utilized for their respective employees, some permissible and others not, we are unable to issue a general ruling regarding such plans without analyzing each program and its structure individually. If you would like us to comment on a certain type of fund, you may forward us the contract for that specific plan.

2. It is impermissible for a Muslim employer to provide conventional insurance policies to one's employees as the transaction includes many elements that are contrary to Islamic law such as interest , qimār (gambling), and gharar (deception). However, if the non-Muslims themselves sign up for such policies without any involvement or contribution from your end (or your company), then it will be permissible for them to do so as employees of your company. In order to compensate them for the extra payments they will have to make towards these policies, you may increase their salaries accordingly.

Note: This does not apply to Muslim employees as it is impermissible for them to sign up for such policies.

(لَئِنْ رَأَوْا هَؤُلَاءِ الْفَضْلَ الْمُسْتَحَقَّ لِأَعْدِ الْمُتَعَاقِدِينَ فِي الْمُتَعَلُّقَةِ الْخَالِي عَنْ عَوَظٍ مُرْتَبِ فِيهِ) أي في العقد
(العناية شرح الهداية، ج ٢، ص ٣٦٦، دار الكتب العلمية)

وقال علماءنا: هو نوع بيع فيه فضل مستحق لأحد المتعاقدين خال عما يقابله من عوض شرط في هذا العقد، وعلى هذا سائر أنواع البيوع الفاسدة من قبيل الربا، وفي جميع المعلوم الربا شرعا عبارة عن عقد فاسد وإن لم يكن زيادة. لأن بيع الدراهم بالدراهم نسبية ربا، وإن لم يتحقق فيه زيادة
(البنابة شرح الهداية، ج ١، ص ٧٨٣، المكتبة الحقلية)

فَأَنزَلَ اللَّهُ: [إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ] (بلائة: 09) ، قَالَ: قَالَ الْمَيْسِرُ: الْقِمَارُ (أحكام القرآن للحصاص، ج ١، ص ١٩٣، دار الكتب العلمية)

(١) السِّلَاحُ قَوْلُ الصَّيِّدِ: أَنِّي لَا يَجُوزُ بَيْعُ السِّلَاحِ قَبْلَ الْإِطْلَاقِ لِمَا يُؤَيِّدُ اللَّهُ - عَلَيْهِ السَّلَامُ - (نَهَى عَنْ بَيْعِ الْغَرَى) وَهَذَا أَحْمَدُ وَمُسْلِمٌ وَأَبُو دَاوُدَ وَغَيْرُهُمْ وَعَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ قَالَ: لَا تَخْتَارُوا السِّلَاحَ فِي الْمَاءِ فَإِنَّهُ غَرٌّ، وَهَذَا أَحْمَدُ وَلِأَنَّ بَاغَ مَا عَلِمَ قَدْ يَجُوزُ لِمُ غُو عَنْ وَجْهِهِ وَإِلَّا أَنْ يَبِيعَهُ قَبْلَ أَنْ يَأْخُذَهُ أَوْ يَنْقُضَهُ فَإِنْ تَبَاعَا قَبْلَ الْأَخْذِ لَا يَجُوزُ لِمَا يُبَيِّنُ وَإِنْ أَخَذَهُ ثُمَّ أَتَاهَا فِي الْخَطِيئَةِ فَإِنْ كَانَتْ الْخَطِيئَةُ كَثِيرَةً يَحْتَمِلُ أَنْ يَجْزِيَ أَهْلُهُ إِلَّا بِحِيلَةٍ لَا يَجُوزُ؛ لِأَنَّ بَاغَ مَا لَا يَقْدِرُ عَلَى تَسْلِيمِهِ (تبيين الحقائق، ج ٣، ص ٥٤٤، مكتبة إمدادية)

عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ حَمَلَ عَلَيْنَا السَّلَاحَ فَلَيْسَ مِنَّا، وَمَنْ غَشَّنَا فَلَيْسَ مِنَّا» (صحيح مسلم، سنن ابن ماجه)

عَنْ أَبِي هُرَيْرَةَ، قَالَ: «نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ الْعَصَا، وَعَنْ بَيْعِ الْغُرَى»
(صحيح مسلم، باب بطلان بيع العصاة والبيع الذي فيه الغر)

Fatḥuḥ Maḥmūdīyyah, v. 16 p 387, D̲ur̲ul Ift̲ā' J̲ami'ah F̲ar̲ūqīyyah;

In 'Āmul Bārī, v. 6 p.280, Maktabah al-Hirā';

Ⓢ Ke MasⓈil Aur Unka Hal, v. 7 p. 361-361, Maktabah Ludhyanwiyah

Q: I am a masjid management committee member. This masjid mostly runs from the donations. During Ramadan, all our members go for donation collection to various places in our city and this will be spent partly during ramadan. The excess left over money that would be around INR 150,000 is deposited in bank account. The interest accrued from this amount is being used for monthly Imam salary and all maintenance expenses and recently built toilet from Interest money. I raised this issue in one of our meetings and one of the senior members shut my mouth by saying that he already checked with some Imam of the city (NOT THIS MASJID IMAM). Now, This masjid Imam was very unhappy and now left to another masjid citing

shariah issues on finance dealings of the masjid as no one hears him. I request you to give fatwa on the permissibility of Interest money in this case so that I would show them.

A : The Masjid is the house of Allah. It is the most revered area of any place. The trustees of a Masjid are entrusted with administering the affairs of the house of Allah according to the laws of Shari'ah. A trustee ought to be an Amīn (a trustworthy person). He must be a person who fears Allah and is sensitive to the laws of Shari'ah and regulates the affairs of the Masjid according to Shari'ah. It does not behove a person who is not conscious of the laws of Shari'ah to be a trustee of a Masjid. A trustee should know the basic laws of Shari'ah and should refer to reliable 'Ulamā in issues he does not know.

Interest has been regarded haram in many verses and narrations. Consider the following:

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ
الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَئِكَ
أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ

“Those who consume interest cannot stand [on the Day of Resurrection] except as one stands who is being beaten by Satan into insanity. That is because they say, “Trade is [just] like interest.” But Allah has permitted trade and has forbidden interest. So whoever has received an admonition from his Lord and desists may have what is past, and his affair rests with Allah. But whoever returns to [dealing in interest or usury] - those are the companions of the Fire; they will abide eternally therein.”

In another place, Allah Ta'ālā mentions:

يَمْحَقُ اللَّهُ الرِّبَا وَيُزِيهِ الصَّدَقَاتِ وَاللَّهُ لَا يُحِبُّ كُلَّ كَفَّارٍ أَثِيمٍ

“Allah destroys interest and gives increase for charities. And Allah does not like every sinning disbeliever.”

The Prophet Sallallāhu 'Alayhi Wasallam has mentioned:

دِرْهَمٌ رِبَاً يَأْكُلُهُ الرَّجُلُ وَهُوَ يَعْلَمُ أَشَدُّ مِنْ سِتٍّ وَثَلَاثِينَ زَنِيَّةً

“One dirham of interest/usury which a man consumes while he is aware (of it being interest) is more severe than thirty-six counts of adultery.”

The Prophet Sallallāhu 'Alayhi Wasallam mentions in another narration:

لَعَنَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ آكِلَ الرِّبَا، وَمُؤَكِّلَهُ، وَكَاتِبَهُ، وَشَاهِدَيْهِ، وَقَالَ: «هُمْ سَوَاءٌ»

Allah's Messenger cursed the acceptor of interest and its payer, and one who records it, and the two witnesses, and he said: They are all equal.

The prohibition of interest is clear. General Muslims and even Non-Muslims know interest is prohibited in Islam. How can a trustee not know that? How can a trustee of a Masjid deliberately engage in earning interest with the money of the Masjid? Such an ignorant person should not be a trustee and should be removed.

If by chance, interest comes into one's possession, it will be incumbent upon the person to give the interest amount into charity without any intention of reward to the poor and needy.

In the enquired case, it is haram to use interest money to pay wages of an Imam. No Ālim or Mufti can issue such a fatwa. To pay a person who is a heir (wārith) of Rasulullah Sallallāhu ‘Alayhi Wasallam, looking after the masjid and the musallah, with haram and filthy money of interest is an insult to Deen and the ‘Ulamā. That attitude reflects the total disregard for Deen and the ‘Ulamā.

Such a trustee should be investigated if he himself uses such haram money to feed his wife and beloved children. The position of an Imam is a high and lofty one. He is the deputy of Rasulullah Sallallāhu ‘Alayhi Wasallam. He should be respected and honored. It is stated in a Hadith that looking at the face of an Ālim is an act of Ibādah, let aside paying for his legitimate services with haram interest money. The trustee in reference should resign or be removed or he should make sincere tawba and apologize to the Imām for the embarrassment he caused. In this lies his protection for his Deen and salvation for the hereafter.

Furthermore, interest money cannot be used to maintain the Masjid and the toilets of a Masjid.

[سورة البقرة، الآية ٥٧٢]

[سورة البقرة، الآية ٦٧٢]

[مجمع الزوائد ومنبع الفوائد، كتاب البيوع، باب ما جاء في الربا، ج٤، ص ١٢٠، دار الفكر]

[صحيح مسلم، كتاب المساقاة، كتاب آكل الربا وموكله، ج٢، ص ٩١٢١، دار احياء التراث العربي]

قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: " رَأَيْتُ اللَّيْلَةَ رَجُلَيْنِ أَتَيْنِي، فَأَخْرَجَنِي إِلَى أَرْضٍ مُقَدَّسَةٍ، فَلَمَّظْنَا حَتَّى أَتَيْنَا عَلَى نَهْرٍ مِنْ دَمٍ فِيهِ رَجُلٌ قَائِمٌ وَعَلَى وَسْطِ النَّهْرِ رَجُلٌ يَبْنِي بِنْدُو جِبَارَةً فَأَقْبَلَ الرَّجُلُ الَّذِي فِي النَّهْرِ، فَلَمَّا أَرَادَ الرَّجُلُ أَنْ يَخْرُجَ رَمَى الرَّجُلُ بِحِجَرٍ فِي فِيهِ، فَرَمَتْهُ حَيْثُ كَانَ، فَجَعَلَ كُلُّمَا جَاءَ لِيَخْرُجَ رَمَى فِي فِيهِ بِحِجَرٍ فَيَرْجِعُ كَمَا كَانَ، فَقُلْتُ مَا هَذَا؟ فَقَالَ الَّذِي رَأَيْتُهُ فِي النَّهْرِ آكَلَ الرُّبَا "

[صحيح البخاري، كتاب البيوع، باب آكل الربا وشاهده وكاتبه، ج٢، ص ٩٥، دار طوق النجاة]

رجل دفع إلى فقير من المال الحرام شيئاً يرجو به الثواب يكفر، ولو علم الفقير بذلك فدعا له وأمن للمعطي كفراً جميعاً

[رد المحتار، باب زكاة الغنم، ج٢، ص ٢٩٢، سعيد]

[فتاوي دينية، ما يتعلق بالبنوك، ج٤، ص ٧٢١، جامعة حسينة راندير]

[فتاوي محمودية، باب المال الحرام ومصرفه، ج٨١، ص ٣٤٤، جامعة فاروق]

442-042 gp beha5 iqaT iftuM yb awataF yraropmetnoC

إِنَّ الْعُلَمَاءَ وَرَبَّهُمُ الْكُتُبَاءُ، إِنَّ الْأَتْيَاءَ لَمْ يُؤْزِلُوا دِينَارًا وَلَا دِرْهَمًا إِيَّاهُ وَرَبُّوا الْعِلْمَ، فَمَنْ أَخَذَ بِهِ أَخَذَ بِحَقِّهِ وَإِلَّا
[جامع الترمذي، أبواب العلم، باب ما جاء في فضل الفقه علي العبادة، ج٤، ص٦٤٢، دار الغرب الإسلامي]

إنظر في وجه العالم: أحب إلى الله من عبادة ستين سنة صيامًا وقيامًا؛
كذا في نسخة سمعان بن المهدي عن أنس مرفوعة وأورده الديلمي بلا سند عن أنس مرفوعة باللفظ: "النظر إلى وجه العالم عبادة، وكذا الجلوس معه والأكل والكلام"، ولا
يصح شيء من ذلك كله كما سبق ذلك قال القاري، وقد ورد: "النظر إلى وجه علي عبادة"؛ رواه الطبراني والحاكم عن ابن مسعود وعمران بن الحصين، انتهى؛ لكن قال
الحاكم: صحيح. وقال الذهبي: إنه موضوع باطل، وأورده ابن الجوزي في الموضوع، وتعبه السيوطي: بأنه ورد من رواية أحد عشر ضعيفًا
[كشف الخفاء، حرف النون، حديث ١١٨٢، ج٢، ص٤٨٢، المكتبة العصرية]

[فتاوي محمودية، باب المال الحرام ومصرفه، ج٨١، ص٧٤٤-٧٤٤، جامعة فاروق]

[فتاوي دينية، مصرف الربا، ج٤، ص٨٥١، جامعة حسنة راندير]

[آب كي مسائل اور انكا حل، سود كا رقم كا مصرف، ج٦، ص٤٣٢-٥٣٢، مكتبة لدهيانوي]

وفي العلاقية: مسجد في حق جواز الاقتداء... ولا بأس بنقله خلا محرابه... (بجص وماء ذهب) لو (ماله) الحلال
وفي الشامية: (قوله لو ماله الحلال) قال تاج الشريعة: أما لو أنفق في ذلك مالا غيبًا ومالا سببه الغيب والطيب فيكره لأن الله تعالى لا يقبل إلا الطيب، فيكره تلويث
بيته بما لا يقبله
[رد المحتار، كتاب الصلاة، مطلب في بيان السنة والمستحب، ج١، ص٨٥٦، سعيد]

INTEFERING MID TRANSACTIONS

Q: Is it permissible to extend an offer of purchase when another person has already engaged in purchasing the item? interfere
For example, Zaid is purchasing a property from Ahmad. Yusuf hears about it and offers to purchase the property.

Will the ruling be different in the following two scenarios:

1. Ahmad has already committed to selling the item to Zaid and thereafter, Yusuf makes an offer.
2. Ahmad and Zaid have only discussed the sale but there is no commitment, promise or steps towards the sale.

A : Consider the following Hadith:

نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ التَّلْقِي، وَأَنْ يَبْتَاعَ الْمُهَاجِرُ لِلْأَعْرَابِيِّ، وَأَنْ تَشْتَرِطَ الْمَرْأَةُ طَلَاقَ أُخْتِهَا، وَأَنْ يَسْتَأْمَ الرَّجُلُ عَلَى سَوْمِ أَخِيهِ، وَتَنْهَى عَنِ النَّجِشِ، وَعَنِ التَّضَرِّيَةِ

Allah's Messenger forbade -

*“ (1) the meeting (to purchase) of a caravan (of goods) on the way,
 (2) and that a residing person buys for a bedouin,
 (3) and that a woman stipulates the divorce of the wife of the would-be husband,
 (4) and that a man should make an offer (in a transaction) while the offer of his brother is pending (and nearly concluded). He also forbade artificially inflating prices, and that one withholds the milk in the udder of the animal so that he may deceive people on selling it.”*

In view of the above Hadith, the Fuqaha and Muhadditheen have ruled out the following:

- 1.If the purchaser and the seller concluded a deal, it is prohibited for a third person to interfere with the deal by making a counter offer.
- 2.If the purchaser and seller have not concluded the deal but there is an inclination in concluding the deal, then in this case as well, it is not permissible for a third party to interfere and make a counter offer.
- 3.However, if a purchaser and seller did not conclude the deal, nor was there any inclination or interest towards concluding the deal, then it will be permissible for a third party to make a counter offer. Accordingly, in query number one, Yusuf cannot make a counter offer. In query number two, there is no prohibition and Yusuf is at liberty to make a counter offer.

عَدْنَا مُحَمَّدٌ بْنُ عَزْرَةَ حَدَّثَنَا شُعْبَةُ عَنْ عَدِيِّ بْنِ كَابِتٍ عَنْ أَبِي حَازِمٍ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: «نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ الثَّقَلِيَّ، وَأَنْ يُتَبَّعَ لَهُمَا: لِأَعْرَابِيٍّ، وَأَنْ تَشْتَطِرَ الْمَرْأَةُ طَلَقًا أُخْتَيْتَ، وَأَنْ يَسْتَلِمَ الرَّجُلُ عَلَى سَوْمِ أَخِيهِ، وَنَهَى عَنْ التَّجْبِشِ، وَعَنِ التَّضَرُّعِ، كَاتِبَةً مُعَادًا وَعَبْدًا ضَمَدًا، عَنْ شُعْبَةَ، وَقَالَ غُنْدَرٌ: وَعَبْدُ الرَّحْمَنِ: لَيْسَ، وَقَالَ آخَرُ: لَيْسَ وَقَالَ الثَّوْرِيُّ: وَجَعَلَهُ بَدْءُ مَقَالٍ: نَهَى (صحيح البخاري، كتاب الشروط باب الشروط في الطلاق، ج ٢، ص ٢٩٦، دار طوق النجاة)

(باب لا يبيع على بيع ولا يسوم على سؤم أخيه حتى يأذن له أو يترك)
أي: هذا باب يذكر فيه: لا يبيع على بيع أخيه، وهو أن يقول في زمن الخيار: إيسع بيعك وأنا أبيعك مثله، أو قال منه: ويصح أيضا الشراء وإن يقول للبايع: إيسع وأنا أشترى بأكثر منه. فقله: (ولا يسوم على سؤم أخيه)، وهو السوم على السؤم، وهو أن يتفق ضابط السلعة والراغب فيها على البيع وبم يقبله، فيقول آخر لصاحبه: أنا أشترى بأكثر، أو للراغب: أنا أبيعك خيرا منها بأرخص، وهذا حرام بعد استقرار الثمن بخلاف ما يباح فيمن يريده، فقله قبل الاستقرار. وقوله: (لا يبيع)، يعني، وكذلك: (لا يسوم) ويروي: (لا يبيع ولا يسوم)، بصورة النهي. فقله: (حتى يأذن له) أي: حتى يأذن أخوه للبايع بذلك أو يترك أخوه لتفاهه مع البايع، وتقييده بالإذن أو الترك يرجع إلى البيع والسوم جميعاً.
(عمدة القاري، كتاب الصوم، ج ١١، ص ٧٥٢، دار إحياء التراث)

قَالَ الْعُلَمَاءُ الْبَيْعُ عَلَى الْبَيْعِ حَرَامٌ وَكَذَلِكَ الشَّرَاءُ عَلَى الشَّرَاءِ وَهُوَ أَنْ يَقُولَ لِمَنْ اشْتَرَى سِلْعَةً فِي زَمَنِ الْخِيَارِ الْفَسْخَ لِأَيِّبَعَكَ بِأَلْفِ دِينَارٍ أَوْ يَقُولَ لِلْبَايِعِ الْفَسْخَ لِأَشْتَرِي مِنْكَ بِأَرْبَعٍ وَهُوَ مُخْتَصَرٌّ عَلَيْهِ وَأَمَّا السُّؤْمُ فَهُوَ أَنْ يَأْخُذَ شَيْئًا لِيُتَخَرَّجَ فَيَقُولَ لَهُ إِنَّكَ لَيُيَبَّعُكَ غَيْرُ مَنْ يَشْتَرِيهِ أَوْ يَكْفِيهِ أَوْ يَكْفِيهِ أَوْ يَقُولُ لِلْمَالِكِ اسْتَرْدْ لِيُتَخَرَّجَ مِنْكَ بِأَكْثَرٍ وَمَنْعَهُ بَعْدَ اسْتِقْرَارِ الثَّمَنِ وَتَوَكُّنِ أَحَدِهِمَا إِلَى الْآخَرِ.
(فتح الباري لابن حجر، كتاب الصوم، ج ٤، ص ٣٥٢، دار للمعرفة)
Ibid

This literally refers to a situation where the transaction has already been concluded. This has been prohibited by another Hadith. A third person either tells the seller to break the transaction so he may offer a higher price for the property or he tells the buyer to break the transaction so he may offer him a better price on the same property.

(وهو رسول الله صلى الله عليه وسلم عن النبي: وهو: أن يزيد في الثمن ولا يريد به الشراء ليرغب غيره (وعن السوم على سؤم غيره) وعن الخطبة على خطبة غيره، لما في ذلك من الإبطال والإضرار؛ وهذا إذا فاضى المتعاقدان على مبلغ المساومة، فإذا لم يركن أحدهما إلى الآخر - وهو بيع من يزيد فلا بأس به على ما تذكره؛ وما ذكرناه وهو محمل النهي في النكاح (الهداية))
(الباب في شرح الكتاب، كتاب البيوع، باب البيع الفاسد، ج ٢، ص ٢٧، دار البشائر الإسلامية)

م: (قال) ش: أي القديري م: (وعن السوم على سؤم غيره) ش: وقال للمصنف - رَجَمَهُ اللَّهُ -: م: (قال - عَلَيْهِ السَّلَامُ وَالسَّلَام -: ش: أي قال النبي - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: م: «لا يستام الرجل على سؤم أخيه ولا يخطب على خطبة أخيه» ش: هذا الحديث رواه البخاري، ومسلم من حديث أبي هريرة - رَضِيَ اللَّهُ عَنْهُ - أن رسول الله - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نهى عن تلقي الركبان وأن يبيع حاضر لباد الحديث. وفي آخره: وأن يستام الرجل على سؤم أخيه» ورواه محمد في كتاب الآثار: أخبرنا أبو حنيفة - رَجَمَهُ اللَّهُ - عن حماد عن إبراهيم عن أبي سعيد العدري وأبي هريرة - رَضِيَ اللَّهُ عَنْهُ - عن النبي - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قال: «لا يستام الرجل على سؤم أخيه ولا يخطب على خطبته» الحديث.

وفي "شرح الطحاوي": وصورته أن يترولس الرجلان على المصلحة ويتسامان عليها ويرضى البائع والمشتري بذلك ولم يعقد عقد المبيع حتى ساموه آخر على سومه واشتراه منه، فإنه يجوز في الحكم، ولكنه يكره هذا إذا جنح قاب البائع إلى البيع من الأول بما طلب منه من الثمن، وأما إذا لم يجنح فله بيعه ولم يرض بذلك فلا بأس للظني أن يشتره لأن هذا بيع من يزيد.

(البنية شرح الهداية، كتاب البيوع، باب البيع الفاسد، ج ٨، ص ١١٢، دار الكتب العلمية)
(و) كَرِهَ (السُّؤْمُ) عَلَى سَوْمٍ غَيْرِهِ بَعْدَ رِضَاؤِهِمَا (بِتَمَتِّ) لِقَوْلِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «لَا يَسْتَامُ الرَّجُلُ عَلَى سَوْمِ أَخِيهِ وَلَا يَخْطُبُ عَلَى خُطْبَةِ أَخِيهِ» فَإِنَّهُ نَهَى بِصِيغَةِ التَّنْهِي وَهُوَ أَكْثَرُ قَالًا إِذَا سَامُوهُ وَبَيَّحَتْ وَلَمْ يَرْكَنْ أَحَدُهُمَا إِلَى ضَاحِيهِ فَلَا بَأْسَ لِلْغَيْرِ أَنْ يَسَامُوهُ وَيَخْتَرِيهِ فَإِنَّهُ يَبِيعُ مَنْ يَزِيدُ وَلَئِنْ قَالَ (بِخلاف بيع من يزيد) فَإِنَّهُ جَائِزٌ لِوُجُودِ الْكُفْرِ وَهُوَ مُحْتَمَلٌ لِنَهْيِهِ فِي الْخُطْبَةِ أَيْضًا.

(درر الحکام شرح غرر الأحکام باب البيع الباطل، البيع للمكروه وحكمه، ج ٢، ص ٧٧١، دار إحياء الكتب العربية)

(قوله (السؤم على سؤم غيره) أي كره أيضا) وكذا البَيْعُ عَلَى بَيْعٍ غَيْرِهِ، فِيهِ الصَّحِيحَتَيْنِ: «نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ ثَلَاثِي الرُّبَايْنِ» إِلَى أَنْ قَالَ «وَأَنْ يَسْتَامَ الرَّجُلُ عَلَى سَوْمِ أَخِيهِ» وَفِي الصَّحِيحَتَيْنِ أَيْضًا «لَا يَبِيعُ الرَّجُلُ عَلَى بَيْعِ أَخِيهِ، وَلَا يَخْطُبُ عَلَى خُطْبَةِ أَخِيهِ إِلَّا أَنْ يَأْذَنَ لَهُ» وَصُورَةُ السُّؤْمِ أَنْ يَتَرَاثَبَا بِثَمَنٍ وَيَتَبَّعَ الرُّكُوبُ بِهِ فَيَقِيءَ أَحَدُ قَبْلِ الْمَالِكِ أَكْثَرُ أَوْ بَقْلَةً. وَصُورَةُ الْبَيْعِ أَنْ يَتَرَاثَبَا عَلَى ثَمَنٍ سِلْعَةٍ فَيَقُولَ أَحَدُ: أَنَا أَيْبَعُكَ بِثَلَاثِينَ مِنْ هَذَا الثَّمَنِ أَقَادَةَ فِي الْفَنَعِ قَالَ الْغَيَرُ الْبَيْدِيُّ: وَيَنْظُرُ فِي السُّؤْمِ الْإِجَارَةُ، إِذْ هِيَ بَيْعُ الْمَتَاعِ

PURCHASING GOODS DURING THE FESTIVE SEASON

Q: Is it ok to purchase home goods during Christmas sale or any other “religious” event sale like Halloween. I mean to take advantage of the sale that occur for some other religion’s events, could be home goods or personal shopping for clothes. Etc.

A: With regards to your specific question, the sale of home items during the religious festivities of other religions is permissible since such items are not directly associated to such beliefs and ideologies.

However, we as Muslims, we are sensitive to our belief of pure tawhīd (Oneness of Allah Ta‘ālā). This requires us to also completely disassociate ourselves from all the religious events and practices of other religions. We do not compromise in our Aqeedah and values. We tolerate other religions but do not revere or respect other religions. The sale of items which have religious insignia attached for marketing purposes should not be viewed independently.

One should consider the underlying philosophy and ideology behind the sale of such items which are often promoted with the symbols and signs depicting such festivities and events. As Muslims, we disassociate ourselves from such false beliefs and values.

1 والإغطاء باسم التَّيْمُونِ وَالْمِهْرَجَانِ لَا يَجُوزُ أَيُّ الْهَدَايَا بِاسْمِ هَذَيْنِ الْيَوْمَيْنِ حَرَامٌ بَلْ كُفْرٌ وَقَالَ أَبُو حَفْصٍ الْكَلْبِيُّ - رَحِمَهُ اللَّهُ - لَوْ أَنَّ رَجُلًا عَنَدَ اللَّهِ تَعَالَى خَمْسِينَ سَنَةً ثُمَّ جَاءَ يَوْمُ التَّيْمُونِ وَأَهْدَى إِلَى بَعْضِ الْمُشْرِكِينَ بَيْعَةً يُرِيدُ تَعْظِيمَ ذَلِكَ الْيَوْمِ فَقَدْ كَفَرَ وَعَبِطَ عَمَلُهُ وَقَالَ صَاحِبُ الْجَامِعِ الْأَصْغَرِ إِذَا أَهْدَى يَوْمُ التَّيْمُونِ إِلَى مُسْلِمٍ آخَرَ وَلَمْ يُرِدْ بِهِ تَعْظِيمَ الْيَوْمِ وَلَكِنْ عَلَى مَا اتَّفَقَدَهُ بَعْضُ النَّاسِ لَا يَكْفُرُ وَلَكِنْ يَنْتَبِهُ لَهُ أَنْ لَا يَفْعَلَ ذَلِكَ فِي ذَلِكَ الْيَوْمِ خَاصَّةً وَيُفْعَلُهُ قَبْلَهُ أَوْ بَعْدَهُ لِئَلَّا لَا يَكُونَ تَعْظِيمًا بِأَوَّلِكَ الْقَوْمِ، وَقَدْ قَالَ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «مَنْ تَعَبَّدَ يَوْمَهُمْ فَهُوَ مِنْهُمْ» وَقَالَ فِي الْجَامِعِ الْأَصْغَرِ زَيْلُ الْأَمْرِ يَوْمُ التَّيْمُونِ سُبْحًا يُنْتَغَرِبُ الْكَفَرَةُ مِنْهُ وَهُوَ لَمْ يَكُنْ يُنْتَغَرِبُ قَبْلَ ذَلِكَ إِنَّ أَرَادَ بِهِ تَعْظِيمَ ذَلِكَ الْيَوْمِ كَمَا تَعْظُمُهُ الْمُشْرِكُونَ كَفَرَ، وَإِنْ أَرَادَ الْأَكْلَ وَالشَّرْبَ وَالنُّعْمَ لَا يَكْفُرُ (البحر الرائق شرح كنز الدقائق ج8 ص555).

CHARGING FOR LATE PAYMENT

Q: I own a property and I rent or lease it out. Can I charge a penalty for late payments. And can I charge a penalty if it is in the lease agreement?

A: To charge late fees for a due payment is not permissible as it is tantamount to Riba (interest). An alternative is to inflate the rent by 10% and if anyone pays timeously, they will be offered a 10% discount.

الذين يأكلون الربا لا يقومون إلا كما يقوم الذي يتخبطه الشيطان من المس ذلك بأنهم قالوا إنما البيع مثل الربا وأحل الله البيع وحرم الربا.
Those who take ribā (usury or interest) will not stand but as stands the one whom the demon has driven crazy by his touch. That is because they have said: "Sale is but like ribā", while Allah has permitted sale, and prohibited ribā. (Verse: 2:275)

يا أيها الذين آمنوا اتقوا الله وذروا ما بقي من الربا إن كنتم مؤمنين. فإن لم تفعلوا فأذنوا بحرب من الله ورسوله وإن تبتم فلكم رؤوس أموالكم لا تظلمون ولا تظلمون.
O you who believe, fear Allah and give up what still remains of ribā, if you are believers. But if you do not (give it up), then listen to the declaration of war from Allah and His Messenger. However, If you repent, yours is your principal. Neither wrong, nor be wronged. (Verse: 2:278,279)

MURABAHA SALE

Q: I want to buy a car using Murabaha from an Islamic bank. Bank will buy the car from my friend (original owner) and pay him the price. The car will be under my ownership and my instalments with bank will be for 2 years. Can I sell the car after few days (may be for more or less price) in open market to get cash (not to previous owner)?

My instalment with bank will continue as it is and i will keep on pay-

ing the instalments on time. Basically I want to have cash using real product in my ownership. Please advice if this is Halal considering that bank meets Murabaha as per Shariah.

A : In principle, once you purchased a car on credit, you are the owner of the car. You are at liberty to sell the car and continue the instalments with your creditor. However, the real issue is would the Bank permit to sell the car and is the car and or its logbook (legal documents) placed as a collateral for the credit instalments.

بدائع الصنائع (5/ 81) (((وسلم))) والسلام نهى عن بيع ما لم يقبض والتبني يوجب فساداً
ومعناها القبض في بيع المشتري المتكامل فلا يصح بيعه قبل القبض لما روي أن النبي عليه الصلاة (((وسلم))) والسلام نهى عن بيع ما لم يقبض والتبني يوجب فساداً
المنهي ولأنه بيع فيه غرر الإفاسع يهلك المتعقود عليه

SARB SHARES

Q : Is it permissible to purchase shares directly from the South African Reserve Bank (SARB)?

A : It is not permissible to purchase shares from SARB.

The Central Bank generates income from the following sources:

1. Interest earned on advances made to Government and on holdings of Treasury bills and Registered Stocks;
2. Interest earned on foreign currency securities and deposits;
3. Commissions received on foreign exchange transactions; and
4. Royalties and commissions earned from numismatic coin sales.

"How does the Central Bank make money? - The Central Bank of The Bahamas", accessed 08 February 2014. <http://www.centralbankbahamas.com/faqs.php?cat=18&rid=10139>.

200% PROFIT

Q: If I buy an item for R99, can I resell it for R300 thus making 200 % profit? What is the allowed percentage of profit to be made on a product?

A: There are no restrictions in Shariah in earning profit. A seller may earn profit by selling his item at any price as long as the buyer agrees. However, when marking a price, the seller should consider the well-being of the buyer and should not be driven by greed only.

JOB AT A TV STATION

Q: I'm looking for a job at 2 different TV stations but i want to confirm if both are halal and which you would advise is best.

1. The first is a news broadcaster, they mostly report on local and international news and other special programs every once in a while. The problem i have with this station is that among their lineup of shows is also church services which they broadcast once in a while.

2. The second is a digital satellite TV provider, they provide a decoder which hosts several hundred different channels and TV stations, they also have Iqraa and the ISLAM channel which are all Islamic, however they also 3 other channels which are centered on Christianity as well as some music channels, they may once in a while show movies which may contain sexual content at night but they take care with those to warn people that such movies may contain such scenes. In both scenarios i am looking for a job in their computer departments, not sure what my job will entail there if i do get it, but it will have something to with signal broadcasting to people's TVs or repairs of some sort. Is this permissible?

Your sensitivity to earning a halal income is commendable. Earning a halal income invokes the mercy of Allah Ta'āla and barakah in one's wealth. Generally speaking, television programs typically contain the following issues:

1. Displaying adverts that expose underdressed women and promote items such as cigarettes and alcohol.
2. Music in the background.
3. Immoral content depicting people in varying situations that become worse depending on the intended audience of a specific movie or show.

In light of the above, job number two contains all three elements and job number one contains the first two elements. In any case, without having the proper details and job description of the work you intend to pursue, we are unable to provide a concrete answer. Details such as "something to [do] with signal broadcasting to people's TVs or repairs of some sort" are not sufficient enough to provide us direction in reaching a conclusion. If you require information regarding a more specific type of work, you may forward us the details and we will answer you. However, in general, a Muslim is averse to immorality which is a common content in all T.V. stations. A computer department of a T.V. station is generally linked (directly or indirectly) to broadcasting. As such, there is a strong possibility of being involved in assisting in sin and promoting immorality. Allāh Ta'ālā says in the Holy Qur'ān:

وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

And do not assist one another in sin and aggression. And fear Allah; indeed, Allah is severe in penalty. [Al-Qur'ān; 5:2]

We advise you to search for an alternate source of income. Allāh the Almighty says in the Holy Qur'ān

وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ وَمَنْ يَتَوَكَّلْ عَلَى اللَّهِ فَهُوَ حَسْبُهُ

And whoever fears Allah, for him Allah brings forth a way out, and gives him provision (of his needs) from where he does not even imagine. And whoever places his trust in Allah, He is sufficient for him. [Al-Qur'ān, Al-Talāq, 2-3]

Also recite the following du`ā':

اللَّهُمَّ اكْفِنِي بِحَلَالِكَ عَنْ حَرَامِكَ، وَأَغْنِنِي بِفَضْلِكَ عَنْ سِوَاكَ

Translation: O Allah, suffice me with Your lawful against Your prohibited, and make me independent of all those besides You.

وَأَمَّا الشَّرَاءُ أَمْرٌ أَلْبَسَ الْبَنِي دَاخِلَ بَيْتِهِ وَبَيْنَهَا وَلَا حُرْمَةَ وَمَنْ يَحِلُّ لَهُ نِكَاحُهَا فَلَيْسَ يَنْبَغِي لَهُ أَنْ يَنْظُرَ إِلَى قِيَمِهَا مِنْهَا مَكْشُوفًا إِلَّا الْوَجْهَ وَالْكَفَّ (الاصول للإمام محمد بن الحسن الشيباني، ج ٢، ص ٥٣٢، دار ابن حزم)

وَأَمَّا النُّوْغُ السَّادِسُ وَهُوَ الْأَجْنِبَاتُ الْخَرَائِجُ فَلَا يَحِلُّ النَّظَرُ لِلْأَجْنِبِي مِنَ الْأَجْنِبِيَّةِ الْخَرَجِ إِلَى سَائِرِ بَدَنِهَا إِلَّا الْوَجْهَ وَالْكَفَّ لِقَوْلِهِ تَبَارَكَ وَتَعَالَى (قُلْ لِلْمُؤْمِنِينَ يَفْضُلُوا مِنْ أَنْبِيَائِهِمْ) إِذَا نُ الْنَّظَرَ إِلَى مَوَاضِعِ الرُّبُوعَةِ الظَّاهِرَةِ وَهِيَ الْوَجْهَ وَالْكَفَّانِ (بدائع الصنائع، ج ٦، ص ٢٩٤، دار الكتب العلمية)

(ولا ينظر من لشهوى إلى وجهها إلا الحاكم والشاهد وينظر الطبيب إلى موضع مرضها) والاصل أنه لا يجوز أن ينظر إلى وجه الأجنبية بشهوة لما روي إلا للضرورة (البحر الرائق، ج ٨، ص ٢٩١، إيج ايم سعيد كمبني)

(والشَّراب) لَفَتْ: كُلُّ مَا لَفَعَ يُشْرَبُ وَاضْطِلَاحًا (مَا يُسَكَّرُ وَالْمُحَرَّمُ مِنْهَا أَرْبَعَةٌ) أَلُو

ZAKAT ON GOLD

Q: I was given a large amount of gold as part of my Mahr in which my ex husband stole from me whilst I was married to him. He then pawned it to a shop gambling all the money away, this gold was then bought back from the shop by my ex husbands sister and it now is in her possession. I want to know:

1) Does the gold now belong to her as she has bought it back?
 2) As it was a large amount of gold, would I have to pay zakaat on it, as it was my gold even though it is not in my possession? Also, if I have a small amount of gold in my possession now, which equals to roughly 7grams in weight, am I eligible to pay zakaat on it? Please can you briefly explain what women have to give zakaat on i.e. wealth, clothes, etc as I am not sure. and finally, if my ex husband has agreed to pay a Mahr during Nikah including gold and money, of which he pays none, and has now divorced me, how does that stand in this Dunya/Akhirat?

A : Based upon the information given in the query, the rulings are as follows:

1. If the gold was given to you by your husband as Mahr and you took possession of it, you are the rightful owner of the gold. You may either claim the gold from your ex-husband's sister upon which she will claim the value of the gold from her brother or you may claim the value of the gold from your ex-husband directly.

2. If you retrieve the gold from your ex-husband's sister or the value of the gold from your ex-husband, then you will have to pay Zakaat for all the previous years. According to our understanding, it was pre-agreed that Mahr will be payable to you in both cash and gold. Accordingly, your husband has already given you gold which was then "stolen" by him from you. If this understanding is correct, then the amount of gold that has already been given to you was Mahr and you may claim the amount of gold as stolen goods and not as part of the Mahr. In any case, you are entitled to the cash amount still payable to you as Mahr.

Calculating Zakaat:

Zakaat will become compulsory on a sane and mature Muslim when his / her wealth exceeds the Nisāb and this amount of wealth is maintained for the duration of one entire lunar year. The Nisāb is 20 Mithqals (87.479 g) for gold and 200 Dirhams (612.35 g) for silver. Any currency equal to the amount of any of these Nisābs will also render Zakaat binding. For example, if the price of silver is quoted at R4.40 per gram then the Nisāb will equal approximately R2, 702. If one's wealth decreases below the Nisāb during the year but before the expiry of the year, it reaches the Nisāb, Zakaat will be binding contrary to the case of the wealth not rebounding to amount of Nisāb upon the expiry of the year.

However, if one loses his entire wealth, a new lunar cycle will begin after reaching the Nisāb for the second time. All debts and liabilities will be deducted from his wealth before calculating his estate. Only that particular year's liabilities will be deducted from long-term debts such as car / home financing. Loans given and other receivables into one's estate will be accounted for even if the person is not paid by his debtor for several years.

Any gold or silver items such as jewelry, ornaments etc will also form part of Zakatable assets. If the percentage of gold or silver in the item is more than the metal alloy with which it is amalgamated the entire item will be considered as gold or silver. If the percentage of alloy is greater, if there is enough gold or silver where it is possible for it to be extracted, then Zakaat will be compulsory only on the value of the gold or silver therein and not on the entire item if the Nisāb is reached. Similarly, any items purchased for trade will be subject to Zakaat and must be accounted for in the calculation.

A person should add his / her cash savings, values of gold and/or silver, value of the merchandise of trade and any receivables from debts

etc. Thereafter, he / she should deduct the amount of debts owed to others. If the value of the net total equals the Nisāb of gold or silver, he / she will have to pay 2.5% of the amount in Zakaat.

(قوله: فَبَعْدَ ذَلِكَ مِنْ غَلَبِ عَيْدٍ) لَوْ قَالَ مِنْ هَلْوَيْ لَكَانَ أَوَّلُ، لِأَنَّهُ إِذَا لَمْ يُسَلِّمْ الْمَبِيعَ لَمْ يَكُنْ غَاصِبًا مَعَ أَنَّ الْمَكْتُمَ كَذَلِكَ، وَلَعَلَّهُ إِنَّمَا ذَكَرَهُ لِأَجْلِ قَوْلِهِ أَوْ بَاعَهُ فَإِنْ بَيَّعَ الْعَبْدَ قَبْلَ قَبْضِهِ فَلَيْسَ أَفَادَهُ فِي الْبَيْعِ، وَضُورَةُ الْمَسْأَلَةِ زَيْدٌ بَاعَ عَبْدٌ رَجُلًا بِلَا إِذْنِهِ مِنْ عَمَرٍو فَاعْتَقَ عَمَرُو الْعَبْدَ أَوْ بَاعَهُ مِنْ بَنِي فَلَا جَارَ الْمَالِكِ بَيَّعَ زَيْدٌ أَوْ ضَمَّنَهُ أَوْ ضَمَّنَ عَمَرُو الْمُشْتَرِي وَهُوَ الْمُخْتَفِىُّ نَقَضَ عَقْدَ عَمَرٍو إِنْ كَانَ أَعْتَقَهُ، وَأَمَّا إِنْ كَانَ بَاعَهُ فَلَا يَنْقُضُ الْبَيْعَ.

(قوله: فَلَا جَارَ الْمَالِكِ بَيَّعَ الْغَاصِبَ) قَيْدٌ بِهِ، لِأَنَّهُ لَوْ أَجَازَ بَيَّعَ الْمُشْتَرِي مِنْهُ وَهُوَ بَيَّعَ عَمَرُو لِيَكُنْ جَارٌ.

قَالَ فِي جَامِعِ الْمُصَوِّلِيْنَ زَايِرًا لِلْمَنْشُوطِ: لَوْ بَاعَهُ الْمُشْتَرِي مِنْ غَاصِبٍ لَمْ يَكُنْ غَاصِبٌ لَمْ يَكُنْ حَتَّى تَدُلَّوَلَتُهُ الْيَدُ الْفَاجِرَ مَا لَيْكَلَهُ عَقْدًا مِنَ الْعُقُودِ جَارَ ذَلِكَ التَّعَقُّدُ خَلَصَهُ يَتَوَلَّاهُ كُلَّهَا عَلَى الرَّجَاءِ، فَلَا أَجَازَ عَقْدًا مِنْهَا جَارَ ذَلِكَ خَاصَّةً.

ا هـ.

فَوَيْهِ ظَهَرَ أَنَّ بَيَّعَ الْمُشْتَرِي مِنَ الْغَاصِبِ مَوْفُوقٌ.

وَأَمَّا مَا فِي الْبَيْعِ وَالْهَبِ عَنْ التَّهَانِيَةِ وَالْمِغْرَاجِ مِنْ أَنَّهُ بَاطِلٌ فَهُوَ مُخَالِفٌ لِمَا فِي جَامِعِ الْمُصَوِّلِيْنَ وَغَيْرِهِ مِنَ الْكُتُبِ كَمَا عَرَّوهُ الْعَمَرُ الرَّمْلِيُّ فِي عَالِيَةِ الْبَحْرِ. فَهَؤُلَاءِ الشَّامِيُّ ج 5 - ص 611 - ابج ايم سعيد

(وَمُعْضُوبٌ لَا يَبْنِي عَلَيْهِ) قُلُوْهُ لَهٗ يَبْنِي تَجِبُ لِمَا مَضَى إِذَا فِي غَضَبِ الشَّامِجَةِ فَلَا تَجِبُ، وَإِنْ كَانَ الْغَاصِبُ مُؤَرَّكًا فِي الْخَاصِجِ.

الْمُشْرَعُ

(قوله: قُلُوْهُ لَهٗ يَبْنِي تَجِبُ لِمَا مَضَى) أَي تَجِبُ الرُّكَاةُ بَعْدَ قَبْضِهِ مِنَ الْغَاصِبِ لِمَا مَضَى مِنَ الشَّيْءِ قَالَ ح: وَيَنْتَبِهُ أَنْ يَغْيِرَ هُنَا مَا بَاقِيَ مُصَحَّحًا عَنْ مُعْمَدٍ مِنْ أَنَّهُ لَا زَكَاةَ فِيهِ إِلَّا الْبَيْئَةُ فَذَلِكَ لَا يُلْغِي فِيهِ.

ا هـ.

قَالَ ط: وَالظَّاهِرُ عَلَى الْقَوْلِ بِالْوُجُوبِ أَنَّ عِلْمَهُ عِلْمُ الدِّينِ الْقَرِيْءِ ا هـ. أَي تَجِبُ عِنْدَ قَبْضِ أَرْبَعِينَ رِيْهًا

فَهَؤُلَاءِ الشَّامِيُّ ج 2 - ص 662 - ابج ايم سعيد

(قوله: وَهُوَ الْبَيْعُ) أَي بَيَّعَ الْمُشْتَرِي مِنَ الْغَاصِبِ أَمَّا بَيَّعَ الْغَاصِبِ فَلَهُ يَنْقُضُ بِإِجَازَةِ الْعَالِكِ وَكَذَا بِالْمُضْمِنِ.

وَفِي جَامِعِ الْمُصَوِّلِيْنَ: وَإِنَّمَا يَحُوزُ لَوْ تَقَدَّمَ سَبَبٌ وَلَيْسَ عَلَيْهِ عَلَى بَيَّعِهِ، حَتَّى إِنْ غَاصِبَهُ لَوْ بَاعَهُ لَمْ يَضْمَنْهُ مَالِكُهُ جَارَ بَيْعِهِ، وَلَوْ شَرَاهُ غَاصِبُهُ مِنْ مَالِكِهِ أَوْ وَهَبَهُ مِنْهُ أَوْ وَرَقَهُ لَمْ يَنْقُضْ بَيْعَهُ ذَلِكَ، إِذَا الْغَضَبُ سَبَبٌ الْبَيْعِ عِنْدَ الشُّعْمَانِ، وَلَيْسَ بِسَبَبٍ الْبَيْعِ أَوْ الْهَبِ أَوْ الْوَرَقِ فَيَقِي السَّبَبُ وَهُوَ الْبَيْعُ وَالْهَبُ وَالْوَرَقُ مُتَّاعًا عَنِ الْبَيْعِ، وَيَحُوزُ بَيْعُهُ لَوْ ضَمَّنَهُ فِيمَتَهُ يَوْمَ غَضَبِهِ لَا يَوْمَ بَيْعِهِ.

فَهَؤُلَاءِ الشَّامِيُّ ج 5 - ص 611 - ابج ايم سعيد

أَوَّلُ كِتَابِ الرُّكَاةِ عِنْدَ قَوْلِ الْكُتُبِ وَمَلَكٌ يَصَافُ عَوْلٌ، وَمِثْلُهُ فِي الشَّرْئِيَّةِ، وَذِكْرُهُ فِي فَرْجِ الْوُضْعَانِيَّةِ نَقْلًا: وَفِي الْفَضْلِ الْعَالِمِ مِنَ التَّضَارُعِيَّةِ عَنْ فَهَوَى الْعِلْمَةِ: مَنْ مَلَكَ أَمْوَالًا غَيْرَ طَبِيعٍ أَوْ غَضَبٍ أَمْوَالًا وَخَلَطَهَا بِغُلَّتْهَا بِغُلَّتْهَا وَتَصَيَّرَ ضَامِنًا، وَإِنْ لَمْ يَكُنْ لَهُ سِوَاهَا يَصَافُ فَلَا زَكَاةَ عَلَيْهِ فِيهَا وَإِنْ بَلَّغَتْ بِضَاءً: لِأَنَّهُ مَذْبُورٌ وَمَالَ الْمُنْكَوْنِ لَا يَنْقُضُ سَبَبًا لِلْوُجُوبِ الرُّكَاةِ عِنْدًا.

ا هـ.

فَأَمَّا يَقُولُهُ وَإِنْ لَمْ يَكُنْ لَهُ سِوَاهَا يَصَافُ يَنْقُضُ أَي أَنَّ الْوُجُوبَ الرُّكَاةَ مُقَيَّدٌ بِمَا إِذَا كَانَ لَهُ يَصَافُ سِوَاهَا، فَوَيْهِ يَنْقُضُ مَا اسْتَشْكَلَهُ فِي الْبَيْعِ مِنْ أَنَّهُ وَإِنْ مَلَكَ بِالْغُلَطِ فَهُوَ مَشْغُولٌ بِالدِّينِ فَيَنْتَبِهُ أَنْ لَا تَجِبُ الرُّكَاةُ

ا هـ.

لَكِنْ لَا يَنْقُضُ أَنَّ الرُّكَاةَ حِينَئِذٍ إِنَّمَا تَجِبُ إِذَا كَانَ عَلَيْهَا لَا فِيهَا.

لَا يَقَالُ: يَكُونُ أَنْ يَكُونَ لَهُ مَالٌ سِوَاهَا مِمَّا لَا زَكَاةَ فِيهِ كَذَوْرِ الشُّكْنِ وَتِيَابِ الْبِلَالَةِ مِمَّا يَنْتَلِغُ مَقْدَارًا مَا عَلَيْهِ أَوْ زَيْدٌ تَجِبُ الرُّكَاةُ فِيهَا مِنْ غَيْرِ أَنْ يَكُونَ لَهُ يَصَافُ

أَعْرُ سِوَاهَا: لِأَنَّهُ نَقُولُ: إِنَّهُ لَمَّا خَلَطَهَا بِغُلَّتْهَا وَتَصَيَّرَ ضَامِنًا يَنْقُضُ دَيْنًا فِي دَيْنِهِ لَا غَيْرَهَا، وَقَدْ مَتَانُ أَنَّ الدِّينَ يَضُرُّ أَوَّلًا إِلَى مَالِ الرُّكَاةِ دُونَ غَيْرِهِ، حَتَّى لَوْ تَزَوَّجَ عَلَى غُلَامٍ غَيْرِ غَنِيٍّ وَهُوَ مَالِكٌ دَيْنُهُمْ وَخَادِمٌ ضَرَفَ دَيْنَ السَّهْرِ إِلَى الْمَالِقَتَيْنِ دُونَ الْخَلَاغِ: أَي قُلُوْهُ خَالِ الْمَوْلَى عَلَى الْمَالِقَتَيْنِ لَا زَكَاةَ عَلَيْهِ لِخِفَافَتِهَا وَالدِّينَ مَعَ وَهُوَ مَا يَفِي بِهِ مِنْ جَنْبِهِ وَهُوَ الْخَادِمُ، وَهَذَا كَذَلِكَ مَا لَمْ يَمْلِكْ بِضَاءً زَايِدًا تَعَمَّ ظَهَرُ الْمَرْءِ فِيهَا إِذَا أُتْبِرَةُ الْمُغْضُوبُ مِنْهُمْ كَمَا تَقَلَّه فِي الْبَحْرِ عَنْ الْمُتَبَقِّ وَالْغَيْرِ الْمُضْمَنَةِ وَقَالَ وَهُوَ قَيْدٌ حَسَنٌ يَجِبُ حِفْظُهُ.

ا هـ.

أَوْ إِذَا ضَالَّ غُرْمَانَهُ عَلَى عَقَارٍ عَمَّا يَبْنِي مَا غَضَبَهُ سَالِمًا عَنْ الدِّينِ تَجِبُ زَكَاةُ- فَهَؤُلَاءِ الشَّامِيُّ ج 2 - ص 192 - ابج ايم سعيد

ADOPTING HUSBANDS SURNAME

Q: Can you please see the following article:
<http://www.farhathashmi.com/articles-section/women-and-family/taking-the-husbands-name/>

A major issue has come up in my family whereby my sister is stating that changing the name of the woman after marriage is Haram. Her opinion has come up after reading the above article. I need to know whether the arguments presented in the above article are valid or baseless. I also need to know the shariah ruling regarding name changing. Also please let me know what does shariah say if a husband commands a woman to change her name and she denies to do so after getting married.

A: The misconception of the impermissibility in adopting the husband's last name stems from misunderstanding the purport of the Qurānic order to attribute one's lineage only to his/her father. In order to dispel this misunderstanding, a thorough understanding of the background of the Āyah is necessary. When Nabī Sallallāhu 'Alaihi Wa Sallam adopted Zaid bin Hārithah Radillāhu 'Anhu, he (Sallallāhu 'Alaihi Wa Sallam) took him to the Ka'bah and proclaimed, "O People! Bear witness that Zaid is my son. I shall inherit from him and he shall inherit from me." This practice was common amongst the Arabs. They treated their adopted children as their own; in lineage, inheritance, marriage, etc.

As such, Zaid Radiallāhu 'Anhu would be referred to as Zaid bin Muḥammad. However, when the following Āyah was revealed, the Saḥābah would call him Zaid bin Hārithah.

وَمَا جَعَلَ أَدْعِيَاءَكُمْ أَبْنَاءَكُمْ...ادْعُوهُمْ لِآبَائِهِمْ هُوَ أَقْسَطُ عِنْدَ اللَّهِ (الأحزاب ٥٤)

“And He (Allāh) has not made your adopted sons your real sons... Attribute them (adopted children) to their father. This is more just according to Allāh” (Al Ahzāb 4,5)

Hence, the prohibition which was revealed was in the context of the practice of the Arab society i.e. considering the adopted child to be the adoptive father's biological child by attributing his lineage to that of the adoptive father. Ultimately, the verse prohibits rejecting one's lineage or ascribing it to another. This is corroborated by a Hadīth in Saḥīḥ Al Bukhārī:

إن من أعظم الفري أن يدعي الرجل إلى غير أبيه (صحيح البخاري ج-٤ ص-١٨١، دار المنهاج)

“One of the biggest lies is that a person attributes his lineage to other than his biological father”

Thus it is clear that false genealogical attribution is prohibited in Qurān and Sunnah, and not any other type of identification.

The impermissibility for a woman to adopt her husband's last name as claimed in the article under discussion is based on the following arguments:

1. The Qurān and Sunnah do not “require” or command women to adopt the husband's last name.
2. The wives of Nabī Sallallāhu ‘Alaihi Wa Sallam did not adopt his name. They kept the names of their fathers, though they were Kuffār.
3. The last name is an indication of one's father, and represents his/her lineage.

4. Calling a person by his father's name is more appropriate for knowing who is who and telling people apart.
5. There are rulings attached to the woman being named after her father, which have to do with her inheritance, spending, and who is her Maḥram, etc. Taking her husband's last name overlooks all that.
6. We will be called by our father's name in the Hereafter as well. The writer claims impermissibility of adopting the husband's last name. However, none of the proofs reflect this claim. Whilst we agree that a woman is not "required" to alter her maiden name, the issue is not about whether or not maiden names are a requirement of Shari'ah. The issue at hand is about whether altering maiden names is permissible or not. Proving non-requirement is not tantamount to proving impermissibility.

A simple example to illustrate this is that wearing new clothes to perform Salāh is not a requirement in Sharī'ah, although it is permissible. Similarly, proving that maiden names were not altered at the time of Nabī Sallallāhu 'Alaihi Wa Sallam does not prove impermissibility. For example, cars were not used as a mode of transport at the time of Nabī Sallallāhu 'Alaihi Wa Sallam. That does not mean we are not permitted to use cars today. The writer also claims that a last name is an indication of one's father and represents one's lineage. However, a brief analysis of a worldwide pattern even amongst Muslims will reveal that a last name is only a family name, not the father's name. Last names represent individuals associated to a family. In the case of a woman adopting her husband's last name, it simply indicates that she is married into such and such family.

How does adopting the husband's last name "overlook" the laws of inheritance, spending, and Maḥramiyyah? Perhaps the writer feels

that a woman will not be able to inherit from her siblings, father, etc. because she will have no proof of being from the family. If this argument is to be accepted i.e. the husband's last name proves to be an obstacle in claiming inheritance from one's genealogical family, then one's family name equally stands as an obstacle in claiming inheritance from one's husband, children, mother, etc. The same goes for spending and Mahramiyyah.

There is no correlation between Allāh Ta'ālā calling us by our father's name on the Day of Judgment and the impermissibility of adopting the husband's last name. Being called by our father's name on the Day of Judgment does not indicate impermissibility of altering one's maiden name in this world. The procedure adopted in the hereafter does not become law for worldly procedure.

The practice of our pious predecessors illustrates that adopting methods of identification other than attribution to one's father is not inconsistent with the Shar'ī command of attributing one's lineage only to his/her father. Many Sahābah, Tābi'een, and 'Ulamā were even "attributed" to their mothers/grandmothers. For example,

1. 'Abdullāh ibn Umme Maktūm (one of the muezzins of Rasūlullāh Sallallāhu 'Alaihi Wa Sallam),
2. Sakhr ibn Al 'Ailah,
3. Ibn Al Lutbiyyah (Radiallāhu 'Anhum),
4. Muḥammad ibn Al Ḥanafiyyah (son of 'Alī Radiallāhu 'Anhu),
5. Ibn Mājah (Sāhib Al Sunan)
6. Ibn Taimiyyah (Aḥmad ibn 'Abd Al Halim), etc.

Why didn't these luminaries attribute themselves to their fathers only? Were they not aware of the Qurānic order?

It is clear that the command in reference is the prohibition to deny a biological attribution and not to prohibit every other form of attri-

bution. It is best that the husband's last name is adopted with mutual consent. If there is a need for the wife to adopt her husband's last name, it is up to the husband to convince her to do so.

Taken from Usdul Ghabah under the biography of Zaid bin Hārithah
ibid

According to one opinion.

و هذا كله مأخوذ من الكتاب معجم الذين نسبوا إلى أمهاتهم لفؤاد صالح

و في المنح عن البرازية و قال الزندوستي حق العالم على الجاهل و حق الأستاذ على التلميذ واحد على السوا و هو أن لا يفتح الكلام قبله و لا يجلس مكانه و إن غاب و لا يرد عليه كلامه و لا يتقدم عليه في مشيه و حق الزوج على الزوجة أكثر من هذا وهو أن تطيعه في كل مباح (الشامي ج ٦ ص ٦٥٧-٦٥٨ سعيد) و هكذا في البصر الرائق ج ٣ ص ١٢٢٠، سعيد و النهر الفقلاني ج ٢ ص ٧٩٢٠، قديمي فتاوى حقلانية ج ٤ ص ٣٣٤، دار العلوم حقلانية امداد الفتاوى ج ٢ ص ٦٨١، مكتبة دار العلوم كراتشي

ETIQUETTES OF NIKĀH

Q: I humbly request your response on the following:

a) Is it substantiated in the Hadeeth or termed Sunnah to sprinkle water on the newly wedded wife together with reciting a specific duaa, which is the hadith wherein this is proven?

b) If so, who should carry out this practise?

c) What is the duaa to be recited?

d) What is the sunnah procedure for leaving off the bride to her husbands home? Should the parents of the bride drop her off to her new home? Source/reference?

e) Is it correct for newlyweds after their nikaah to be chauffeur driven by friends/family? Is this not unislaamic & western trends?

f) What is the sunnah practice to be adopted upon the newly wedded husband & wife meeting for the first time after their nikaah? Is their a practise where the husband should recite a certain duaa placing his hand on his wife's forelock and should a specific drink be shared by both. Are there any other practices to be carried out as well according to the sunnah?

A : 1. After the marriage and before saying farewell to one's daughter, the following Du'ā should be recited and blown in a cup of water,

اللهم إني أعيذها بك وذريتها من الشيطان الرجيم

O Allah, I place her and her progeny in your protection from Shaytan the accursed.

The water should then be sprinkled on her chest, face and back. The same should be done with the son-in-law with another cup of water. However, in the case of the son-in-law, he should say O'eedhuhu and Dhurriyatuhu. This practice is established from the following Hadith narrated in Sahīh Ibn Hibbān,

وَدَخَلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْبَيْتَ، فَقَالَ لِقَاطِمَةَ: «إِيْتِينِي مَاءً» فَقَامَتْ إِلَى قَعْبٍ فِي الْبَيْتِ، فَأَتَتْ فِيهِ مَاءً، فَأَخَذَهُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَمَجَّ فِيهِ، ثُمَّ قَالَ لَهَا: «تَقْدِمِي» فَتَقَدَّمَتْ، فَتَضَعُ بَيْنَ تَدْيِيهَا وَعَلَى رَأْسِهَا، وَقَالَ: «اللَّهُمَّ إِنِّي أَعِيذُهَا بِكَ وَذُرِّيَّتَهَا مِنَ الشَّيْطَانِ الرَّجِيمِ» ثُمَّ قَالَ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَهَا: «أَذْبِرِي»، فَأَذْبَرَتْ، فَصَبَّ بَيْنَ كَتِفَيْهَا، وَقَالَ: «اللَّهُمَّ إِنِّي أَعِيذُهَا بِكَ وَذُرِّيَّتَهَا مِنَ الشَّيْطَانِ الرَّجِيمِ» ثُمَّ قَالَ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِيْتُونِي مَاءً»، قَالَ عَلِيٌّ: فَعَلِمْتُ الَّذِي يُرِيدُ، فَقُمْتُ، فَمَلَأْتُ الْقَعْبَ مَاءً، وَأَتَيْتُهُ بِهِ، فَأَخَذَهُ وَمَجَّ فِيهِ، ثُمَّ قَالَ لِي: «تَقْدِمِي»، فَصَبَّ عَلَى رَأْسِي وَبَيْنَ تَدْيِي، ثُمَّ قَالَ: «اللَّهُمَّ إِنِّي أَعِيذُكَ بِكَ وَذُرِّيَّتَهُ مِنَ الشَّيْطَانِ الرَّجِيمِ» ثُمَّ قَالَ: «أَذْبِرْ» فَأَذْبَرْتُ، فَصَبَّهُ بَيْنَ كَتِفَيَّ، وَقَالَ «اللَّهُمَّ إِنِّي أَعِيذُكَ بِكَ وَذُرِّيَّتَهُ مِنَ الشَّيْطَانِ الرَّجِيمِ»

(After the marriage of ‘Ali and Fātimah Radhiyallahu ‘Anhuma) Rasulullah (Sallallahu Alaihi Wa Sallam) entered their home and asked Fatimah (Radhiyallahu ‘Anha) to bring some water. Fatimah (Radhiyallahu ‘Anha) stood up and filled a bowl with water and brought it to Rasulullah (Sallallahu Alaihi Wa Sallam). Rasulullah (Sallallahu Alaihi Wa Sallam) took a sip of the water and returned it to the bowl. Rasulullah (Sallallahu Alaihi Wa Sallam) asked Fātimah (Radhiyallahu ‘Anha) to come near. When she came near, he sprinkled some of the water on her chest area and face and recited the following Du‘ā,

اللهم إني أعيذها بك وذريتها من الشيطان الرجيم

O Allah, I place her and her progeny in your protection from Shaytan the accursed.

He then told her to turn around and sprinkled water on her back and repeated the same Du‘ā. Thereafter, he told ‘Alī (Radhiyallahu ‘Anhu) to come near. When ‘Ali came near, Rasulullah (Sallallahu Alaihi Wa Sallam) sprinkled some of the water on his chest area and face and recited the following Du‘ā,

اللهم إني أعيذه بك وذريته من الشيطان الرجيم

O Allah, I place him and his progeny in your protection from Shaytan the accursed.

He then told him to turn around and sprinkled water on his back and repeated the same Du‘ā.

2. After her Nikāh, ‘Aishah (Radhiyallāhu ‘Anha) was accompanied to the house of Rasulullah (Sallallahu Alaihi Wa Sallam) by her mother Ummu Rūmān and some women from Ansār. Moreover, Fātimah (Radhiyallāhu ‘Anha) was accompanied by Ummu Aiman to the

house of 'Alī after their Nikāh. It is understood from this that women used to accompany the bride to the house of the groom.

3. On the first night of marriage, when in seclusion with the wife, hold the forelocks (hair of the forehead) of her head and recite the following Du'a,

اَللّٰهُمَّ اِنِّیْ اَسْأَلُكَ خَيْرَهَا وَخَيْرَ مَا جَبَلْتَهَا عَلَیْهِ وَاَعُوْذُ بِكَ مِنْ شَرِّهَا وَمِنْ شَرِّ مَا جَبَلْتَهَا عَلَیْهِ

O Allah I ask you for her good and the good you have created her with and I seek your protection from her evil and the evil you have created her with.

Thereafter, make Du'a for Barakah.

Whenever intending to go to the wife (to satisfy oneself), recite the following Du'aa:

بِسْمِ اللّٰهِ اَللّٰهُمَّ جَنِّبْنَا الشَّيْطَانَ وَجَنِّبِ الشَّيْطَانَ مَا رَزَقْتَنَا

Bismillah Allahumma Jannibnaash Shaytaana Wa Jannibish Shaytaana Maa Razaqtanaa

In the name of Allah, O Allah, distance Shaytan from us and from what you have given us in sustenance (progeny). If she conceives, that child will be protected from Shaytan.

صحيح ابن حبان (الإحسان في تقريب صحيح ابن حبان) 51/593 مؤسسة الرسالة
الحصن الحصين ابن الجزري ص 67
بهشتي زيور ص 533
فتاوى دار العلوم زكرياء 3/246
الاذكار للنووي ص 804-804 دار ابن كثير

CULTURAL DIFFERENCES IN MARRIAGE

Q: I have a question related to my marriage:
Last year April 2013 I got married in Islamic republic of Pakistan in front of the judge & also in front of the Qazi (ISB) to a girl of the same nationality and religion (age 27, Doctor) after a struggle of 8 years. After which we were both living in KSA, and more than 300 people were invited in the reception. And countless people are aware about it in KSA and Pakistan through different social networks and friends. Her father was against this marriage because I am not from the same family & village, and he was forcing her to marry someone else; so we had to marry without informing her father – wali. (based on the Shariah knowledge we had). On 24th March 2014 while coming back from the honeymoon we stayed in Dubai for a day or two. I dropped her at her friend's place since, during this visit her family arrived at her friend's place, without my knowledge, they took her back with them.

Now they are saying that our Nikah is Haraam because it was against the parents concern and they won't let her stay with me because they consider this marriage Haram. I tried my level best but they are now only asking for a separation. I seek your guidance to solve this problem under the light of Shariah Law.

PS: That her eldest brother was the one who suggested us to go for this marriage, on different occasions and now even he is against us and supporting his father. We both families are the followers of Imam Abu Hanifa school of thought. We both have have Saudi residence (Iqama) and we both were living in Saudi before honeymoon. I love my wife and I can do anything to fix this marriage. Please guide us the best possible solution to have a happily married life.

A: In order for a marriage to be successful, it is important that all the role players of the spouses be included in a marital decision. The absence or sidestepping an important role player, like the father, has negative consequences as you are also witnessing and experiencing. As such, it would be advisable to exercise restraint and involve some influential people in order to win the girl's father's side.

Nevertheless, according to the Hanafi Mazhab (school of thought), a sane and mature girl has an independent right to get married. She does not require the consent of her parents or her representative (Wali). As such, if the Nikah was conducted in the presence of two male witnesses or one male and two female witnesses, the Nikah is valid. At this stage, we advise you to seek the assistance of a sensible person who has influence on the girl's family to intervene and if necessary, apologize. It is also important to enquire whether your wife wants a separation or not? The issue seems complex as she married you on her own will and also left you on her own will. She could still return to you while in Dubai.

(لَا يَحْتَاجُ الْوَلِيَّ) وَالْأَمَلُ أَنْ كُلَّ مَنْ تَصْرَفُ فِي مَالِهِ تَصْرَفُ فِي نَفْسِهِ وَمَا لَا قَلَا (تَقْدُّدُ نِكَاحِ حُرٍّ مُكَلَّفَةٍ

{ رد المحتار على الدر المختار، ج 33، ص 55، دار الفكر-بيروت }

قَالَ - رَحِمَهُ اللَّهُ - (تَقْدُّدُ نِكَاحِ حُرٍّ مُكَلَّفَةٍ بِلَا وَلِيٍّ)، وَهَذَا عِنْدَ أَبِي حَنِيفَةَ وَأَبِي يُوسُفَ فِي ظَاهِرِ الرَّوَايَةِ وَكَانَ أَبُو يُوسُفَ أَوَّلًا يَقُولُ إِنَّهُ لَا يَنْتَعِدُ إِلَّا بِوَلِيٍّ إِذَا كَانَ لَهَا وَلِيٌّ لَمْ رَجَعَ وَقَالَ، إِنْ كَانَ الرَّؤُوسُ كُفُّوا لَهَا جَارَ وَلَا قَلَا، لَمْ رَجَعَ وَقَالَ، جَارَ سَوَاءُ كَانَ الرَّؤُوسُ كُفُّوا أَوْ لَمْ يَكُنْ.

{ تبين الحقائق، ج 2، ص 711، المطبعة الكبرى الأميرية - بولاق، القاهرة }

تَقْدُّدُ نِكَاحِ حُرٍّ مُكَلَّفَةٍ بِلَا وَلِيٍّ عِنْدَ أَبِي حَنِيفَةَ وَأَبِي يُوسُفَ رَحِمَهُمَا اللَّهُ تَعَالَى فِي ظَاهِرِ الرَّوَايَةِ كَذَا فِي التَّبْيِينِ

{ الفتاوى الهندية، ج 1، ص 782، دار الفكر }

قال ولا ينتقد نكاح المسلم إلا بحضور شاهدين حرين عاقلين بالغين مسلمين رجلين أو رجل وامرأتين عدولا كانوا أو غير عدول أو محدودين في القذف

{ الهداية، ج 1، ص 981، المكتبة الإسلامية }

MISTREATMENT FROM THE IN LAWS

Q: I have endless problems with my in laws. Few years ago I married my aunt's daughter. Before we got married, my relationship with my aunt and uncle was a really close one. But ever since we got married my father in law has always been funny with me, and my mother in law too, more often than not.

I am trying to be a better Muslim, but I'm always put down by them. They always say im extreme and I think I know everything. They even go around telling other family members that I am a bad and disrespectful son to my mother, which I am trying so hard to change. Every time we visited there was some or other issue. They treat me like im non-existent. I can't bring myself to going to stay with them.

My wife can stay with her parents and I'll stay elsewhere for the sole reason that I fear I may make it worse as I feel like I can't take the unfair treatment anymore. It also puts alot of strain on my marriage but my wife understands the situation.I have come to the resolve that I will definitely still be cordial, kind and most definitely respectful. But wont stay there again, rather with another family member whilst my wife will stay with her parents. Will I be sinful for this? Am I guilty of severing this relation?

A: We commend you for your patience and the cordial relationship you have maintained despite mistreatment from your in-laws. The treatment you have experienced from them is indeed unfortunate. You must however consider whether keeping a distance from them will exacerbate the situation further or make things better.

As you have noted, your wife understands the situation, so it might be prudent to discuss with her and seek her advice on what would be

the most appropriate course of action. She knows better about her parents. Regarding forsaking a fellow Muslim, Rasūlullāh (sallAllāhu ‘alayhi wasallam) said:

لا يحل لمسلم أن يهجر أخاه فوق ثلاث

“It is not permissible for a Muslim to forsake his (Muslim) brother for more than 3 days.” (Bukhārī and Muslim).

However, this is on condition that keeping a connection with them will not lead to further ill-feeling or harm. Imām al-Suyūṭī commented on this narration:

ومن خاف من مكالمه أحد وصلته ما يفسد على الدين أو يدخل مضرة في دنياه يجوز له مجازبته والبعد عنه،
ورب هجر حسن خير من مخالطة مؤذية

“The one who fears that by talking to someone and keeping ties with him it will cause disturbance in his religion or cause harm in his worldly life, it is permissible for him to avoid him. Often a good-intentioned distance is better than a harmful interaction.”

Hence, you must consider, with the advice of those you trust, whether staying with your in-laws during your visit or staying elsewhere will be the most favorable course of action in your situation, and act accordingly. In making a decision, be conscious of the share of your nafs and guard against your nafs.

Allāh says:

إن النفس لأماراة بالسوء

“Verily, the nafs incites to evil.” (Qur’ān, 12:53)

MIXED GATHERING OF WEDDING AND WALIMA

Q: My cousin is getting married soon and 100 people of my family from Europe and Africa have come to stay in our house for the wedding. I am only going to attend the nikkah in the masjid. The wedding ceremony and the walima will have intermingling of opposite genders and photography. So i'm not going to attend those functions and i'm the only one in the house who is not attending them. My parents are not against me they support my decision but they will attend the ceremonies and won't defend me in my decision. The other relatives are criticizing me on my decision. Here are some of their points:

Why do you go to the market for shopping then, why do you go to campus as there are mixed genders there too?

A scholar in their American mosque is from Al-Azhar university of Egypt and has declared that intermingling of sexes is allowed because there was no separation between men and women.

You are going to hurt us and your cousin and his family and your grandparents if you don't come and this is against akhlaq.

If this is so much sin for you then just attend the wedding and then make tauba. Please help me regarding these points and give me answers for all of these points.

A: The most difficult choices that we are faced with in life involve those that make us choose between our family and our deen. It is at these times it is important for one to exercise caution and deal with one's family in a calm and dignified manner .

Nowadays, traditional marriages prevalent amongst the South Asian communities involve many acts contrary to the dictates of Shari'ah

and the Sunnah of our beloved Nabi (sallallahu alaihi wa sallam) such as the intermingling of men and women, unislamic customs and traditions , music , photography , etc. As such, it is best that you stick to your original judgment and avoid attending such gatherings . In reference to the points brought up by your relatives, it is first important to understand that you are not liable to give an explanation to each of the arguments posed by your relatives, especially when your parents support your decision. In such situations, you should simply excuse yourself from attending the gathering and kindly inform your family members about your stance concerning this matter without delving into unnecessary details. Nevertheless, for the sake of clarity we shall expound on these issues and address them as follows:

(1) Allah Ta'ālā has given us a perfect religion that takes into account the needs of humanity as a whole. Those who misunderstood this concept would taunt the Muslims and ridicule them. Allah Ta'ālā himself mentions such people in the Quran who used to taunt the Holy Prophet (sallallahu alaihi wa sallam) and say:

مَا لِهَذَا الرَّسُولِ يَأْكُلُ الطَّعَامَ وَيَمْشِي فِي الْأَسْوَاقِ

What sort of messenger is this who eats food and walks in the markets? [Al-Quran, 11:7]

Similarly, there is (and always was) a need in society for medical doctors who can tend to the sick and ill , especially at times when there is an outburst of certain diseases within individual communities. Therefore, Shari'ah has allowed one to pursue the field of medicine and offer one's service at a hospital as per the need of the society.

(2) Interaction with ghairmahrams and mixed gatherings are not only contrary to the teachings of the Quran and Sunnah , but they

also corrode the fine natural values Islam attempts to inculcate within us. As a result, these gatherings also become a reason for invoking the anger of Allah Ta'ālā. Allah Ta'ālā says in the Holy Quran:

قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ. وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ (سورة النور، ١٣)

Say to the believing men that they must lower their gazes and guard their private parts; it is more decent for them. Surely Allah is All-Aware of what they do. And say to the believing women that they must lower their gazes and guard their private parts, and must not expose their adornment. [Al-Quran, 24:30-31]

The Holy Prophet (sallallahu alaihi wa sallam) said:

كُتِبَ عَلَى ابْنِ آدَمَ نَصِيئُهُ مِنَ الزَّانَا، مُذْرِكٌ ذَلِكَ لَا مَحَالَةَ، فَالْعَيْنَانِ زَنَاهُمَا النَّظَرُ، وَالْأُذُنَانِ زَنَاهُمَا الْاسْتِمَاعُ، وَاللِّسَانُ زَنَاهُ الْكَلَامُ، وَالْيَدُ زَنَاهَا الْبَطْشُ، وَالرَّجُلُ زَنَاهَا الْخُطَا، وَالْقَلْبُ يَهْوَى وَيَتَمَتَّى، وَيُضَدِّقُ ذَلِكَ الْقَرْجُ وَيَكْذِبُهُ

Allah has written for the children of Adam their share of zina which he commits inevitably. The zina of the eyes is the sight (to gaze at a forbidden thing), the zina of the ears is to hear, the zina of the tongue is the talk, the zina of the hands is to touch (that which is forbidden), the zina of the feet is to take steps (towards that which is forbidden) and the heart wishes and desires and the private parts testify all this or deny it. [Sahih Muslim, 2657, Book of al-Qadr (Fate)]

From the above texts, it should be quite apparent that Shari'ah has emphasized that one should lower his gaze and try one's best to protect his or her own chastity. In occasions such as these, it is obvious to all those who attend that such commands of Shari'ah are not taken into consideration and the laws of Allah Ta'ālā are thrown aside. A traditional shaadi and an Islamic lecture bear no similarity at all,

especially in today's day and age. Furthermore, a lecture is limited to simply hearing a speech and requires no interaction between men and women. On the other hand, aside from intermingling with the opposite gender, traditional marriage ceremonies force one to sit in gatherings full of music, idle talk, and rusumaat (customs) that hold no basis in Shari'ah at all.

(3) The Holy Prophet (sallallahu alaihi wa sallam) has said:

لَا طَاعَةَ لِمَخْلُوقٍ فِي مَعْصِيَةِ الْخَالِقِ

There is no obedience to the creation in disobedience to the creator [Mishkah al-Masabih, 3696, Chapter of Imarah and Qadha]

It is illogical for one to please his relatives while displeasing the Creator himself. Akhlaq entails one to be kind and affectionate towards one's relatives and keep good relation with them. This does not mean that one should sacrifice one's Islamic values for the sake of another. The prophets in the past were always shunned by their close relatives because they would give preference to the commands of Allah Ta'ālā over the invitations towards evil from their families.

(4) Allah Ta'ālā narrates the story of Prophet Yusuf (alaihis salam) and describes the rationale his brothers used in their plot to kill Yusuf (alaihis salam) as they said to one another:

اقْتُلُوا يُوسُفَ أَوْ اطْرَحُوهُ أَرْضًا يَخْلُ لَكُمْ وَجْهُ أَبِيكُمْ وَتَكُونُوا مِنْ بَعْدِهِ قَوْمًا صَالِحِينَ

Kill Yusuf or throw him in some land , so that your father's face may be yours alone, and after that you may become a righteous people. [Al-Quran, 12:9]

This concept of sinning with the intention to repent later is foreign to the teachings of Islam. If one's life is taken while one is engaged in such an act, can he be guaranteed forgiveness after having the audacity to purposely overstep the boundaries of Allah Ta'ālā? Allah Ta'ālā says in the Holy Quran:

إِنَّمَا التَّوْبَةُ عَلَى اللَّهِ لِلَّذِينَ يَعْمَلُونَ السُّوءَ بِجَهَالَةٍ ثُمَّ يَتُوبُونَ مِنْ قَرِيبٍ فَأُولَٰئِكَ يَتُوبُ اللَّهُ عَلَيْهِمْ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا وَلَيْسَتِ التَّوْبَةُ لِلَّذِينَ يَعْمَلُونَ السَّيِّئَاتِ حَتَّىٰ إِذَا حَضَرَ أَحَدَهُمُ الْمَوْتُ قَالَ إِنِّي تُبْتُ الْآنَ

The relenting taken by Allah upon Himself is for those who do evil in ignorance then repent shortly there after. So, Allah relents towards them. And Allah is All-Knowing, All-Wise. And the relenting is not for those who do the evil deeds until when the time of death approaches one of them, he says, "Now I repent"... [Al-Quran, 4:7-8]

May Allah Ta'ālā keep you steadfast on your deen and grant you success in this life and the hereafter. Ameen.

With the following comments from Mufti Ebrahim Desai Saheb (dāmat barakātuhū):

Your relatives may be fully aware of the various violations of Shari'ah while they seek your participation to support their denial of their wrong. Your persistent and gentle aversion to the wrongs will inculcate respect and honour in their hearts for your taqwā and piety. Your attitude will also serve to make them contemplate and reform their lives. The beauty and dignity emanating through taqwā always rides high.

عَلَيْهِ أَبُو عَامِرٍ أَوْ أَبُو مَالِكٍ الْقَاسِمِيُّ، وَاللَّهُ مَا كَذَبَنِي: سَمِعَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: "لَيْكُونَنَّ مِنْ أُمَّتِي أَقْوَامٌ: يَشْتَعِلُونَ الْحَرَّ وَالْعَرَبِينَ، وَالْحَمَرُ وَالْمَعَارِفُ، وَيَلْبَسُونَ أَقْوَامًا إِلَى جَنْبِ عَلِيٍّ يَدْعُو عَلَيْهِمْ بِسُلْوَةٍ لَهُمْ، يَأْتِيهِمْ - يَخْبِي الْفَقِيرَ - بِضَاجَةٍ يَقُولُونَ: ارْجِعْ إِلَيْنَا غَدًا، فَيُجِيبُهُمُ اللَّهُ، وَيَضَعُ الْعِلْمَ، وَيَسْخَرُ آخِرِينَ وَبَنَدَةً وَخَتَائِرَ إِلَى يَوْمِ الْقِيَامَةِ" (صحيح البخاري، ٠٩٥٥، كتاب الأضحية، باب ما جاء فيمن يستعمل الغمر و يسميه باسم غيره):

(قوله وكبره كل لهم) أي كل لعب وعيث الثلاثة معنى واحد كما في شرح التاويلات والإطلاق شامل لنفس الفعل، واستماعه كالرقص والسخرية والتصفيق وضرب الأوتار من الطنبور والبربط والرباب والقانون والمزامر والصنج والبوق، فإنها كلها مكروهة لأنها ذى الكفار، واستماع ضرب الدف والمزامر وغير ذلك حرام وإن سمع بغية يكون معذوراً ويجب أن يجتهد أن لا يسمع فهستالي (رد المحتار علي الدر المختار، ج ٦، ص ٥٩٣، إيضاح إمام سعيد كمبني)

عَلَيْهَا أُمُّ الْمُؤْمِنِينَ رَضِيَ اللَّهُ عَنْهَا: أَنَّهَا أَخْبَرَتْ أَنَّهَا اشْرَكَتْ فَرْجَةً فِيهَا تَصَاوِيرٌ، فَلَمَّا رَأَتْهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَامَ عَلَى الْبَابِ، فَلَمْ يَدْخُلْهُ، فَحَرَّفَتْ فِي وَجْهِهِ الْكَرَاهِيَّةَ، فَقُلْتُ: يَا رَسُولَ اللَّهِ الْوَبُ إِلَى اللَّهِ، وَإِلَى رَسُولِهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَاذَا أَكْنُتُ؟ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَا تَأَلَّ هَذِهِ الشَّرْجَةُ؟» قَالَتْ: اشْرَكَتُ لَكَ لِقْفَةً عَلَيْهَا وَتَوَضَّعْتُ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّ أَصْحَابَ هَذِهِ الصُّوَرِ يَوْمَ الْقِيَامَةِ يُعَذَّبُونَ، فَيَقَالُ لَهُمْ: أَخْبَرُوا مَا خَلَقْتُمْ؟» وَقَالَ: «وَأَنْ الْبَيْتَ الَّذِي فِيهِ الصُّورُ لَا تَدْخُلُهُ لِلْكَرَاهَةِ» (صحيح البخاري، ٥٠١٢، باب التجارة فيما يكره لبسه للرجال و النساء):

قَوْلُهُ وَابْتَسَرَ ثَوْبٌ فِيهِ قَائِلٌ: عَدَلَ عَنْ قَوْلِ غَيْرِهِ تَصَاوِيرُ لَنَا فِي الْمَغْرِبِ: الصُّورَةُ عَلَامٌ فِي ذِي الرُّوحِ وَغَيْرِهِ، وَالتَّشْتَالُ خَاصٌّ بِقَائِلِ ذِي الرُّوحِ وَيَأْتِي أَنْ غَيْرَ ذِي الرُّوحِ لَا يُكْرَهُ قَالَ الْمُتَشَتَّلُ: وَفِيهِ إِشْخَارٌ بَالَهُ لَا يُكْرَهُ صُورَةُ الرَّأْسِ، وَفِيهِ خِلَافٌ كَمَا فِي التَّحْلِيلِ كَذَا فِي الْمُحِيطِ، قَالَ فِي الْبَحْرِ: وَفِي الْفَلَاحَةِ وَتُكْرَهُ التَّصَاوِيرُ عَلَى الثَّوْبِ صَلَّى فِيهِ أَوْ لَا تَكْتُمُ، وَهَذِهِ الْكَرَاهَةُ تَحْرِيمِيَّةٌ، وَظَاهِرُ كَلِمِ الثَّوْبِيِّ فِي فَرْحِ مُسْلِمِ الْإِسْمَاعِيلِ عَلَى تَحْرِيمِ تَصَوِيرِ الْحَيَوَانَاتِ، وَقَالَ: وَسَوَاءٌ صَنَعَتْ لَنَا يَتَهَنُّ أَوْ لِيُغَيِّرُوهُ، فَهَضَعَتْ حَرَامٌ بِكُلِّ حَالٍ لِأَنَّ فِيهِ مُشَاهَدَةً لِغَايَةِ اللَّهِ تَعَالَى، وَسَوَاءٌ كَانَ فِي ثَوْبٍ أَوْ بِسَاطٍ أَوْ دَرَجَمٍ وَرَأَى وَخَالِطَ وَغَيْرَهَا أَوْ فَنَتَبَّعِي أَنْ يَكُونَ حَرَامًا لَا مَكْرُوهًا إِنْ بُنِيَ الْإِسْمَاعِيلُ أَوْ فَطَعِمَتْهُ الْأَيْدِ بِتَوَاتُرِهِ أَوْ كَلَّمَ الْبَحْرَ مُلْعَقًا، وَظَاهِرُ قَوْلِهِ فَيَتَّبَعِي الْإِسْرَافَ عَلَى الْفَلَاحَةِ فِي تَسْمِيَةِ مَكْرُوهًا (رد المحتار علي الدر المختار، ج ١، ص ٧٤٦، إيضاح إمام سعيد كمبني):

(قوله) وَابْتَسَرَ ثَوْبٌ فِيهِ تَصَاوِيرُ: لِأَنَّهُ يُخْفِي حَامِلَ الصَّنْعِ فَيُكْرَهُ وَفِي الْفَلَاحَةِ وَتُكْرَهُ التَّصَاوِيرُ عَلَى الثَّوْبِ صَلَّى فِيهِ أَوْ لَا يُصَلِّ أَوْ لَا يُصَلِّ فِيهِ وَهَذِهِ الْكَرَاهَةُ تَحْرِيمِيَّةٌ وَظَاهِرُ كَلِمِ الثَّوْبِيِّ فِي فَرْحِ مُسْلِمِ الْإِسْمَاعِيلِ عَلَى تَحْرِيمِ تَصَوِيرِ صُورَةِ الْحَيَوَانَاتِ وَأَلَّهُ قَالَ قَالَ أَصْحَابُنَا وَغَيْرُهُمْ مِنَ الْعُلَمَاءِ تَصَوِيرُ صُورِ الْحَيَوَانَاتِ حَرَامٌ شَدِيدٌ تَحْرِيمٌ وَهُوَ مِنَ الْكِبَارِ لِأَنَّهُ مُتَوَسِّعٌ عَلَيْهِ بِهَذَا الْوَعْدِ الشَّدِيدِ الْمَكْذُوبِ فِي الْأَحَادِيثِ يَخْبِي مِثْلَ مَا فِي الصُّحُفِ عَنْهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «أَفَدَّ النَّاسُ غَدًا يَوْمَ الْقِيَامَةِ الصُّوَرُ يُقَالُ لَهُمْ أَخْبَرُوا مَا خَلَقْتُمْ» (البحر الرائق، ج ٢، ص ٧٢، إيضاح إمام سعيد كمبني)

Fatawa Mahmudiyyah, vol. 11, pg. 220 & 228 & 247, Darul Iftaa Jami'ah Faruqiyyah;

...وهم يقعد) لأن فيه شين الدين وللمحكي عن الإمام كان قبل أن يصير مقتدى به (وإن علم أولاً) باللعب (لا يحضر أصلاً) سواء كان ممن يقتدى به أو لا لأن حق الدعوة إنما يلزمه بعد الحضور لا قبله حين كمال. وفي السراج ودلت المسألة أن للملاهي كلها حرام (قوله لا ينبغي أن يقعد) أي يجب عليه قال في الاختيار لأن استماع الله حرام والإجابة سنة والامتناع عن الحرام أول اهـ وكذا إذا كان على الملاحة قوم يفتابون لا يقعد فالعيب أشد من الله واللعب تلافخانية (رد المحتار علي الدر المختار، ج ٦، ص ٨٤٢، إيضاح إمام سعيد كمبني):

وَأِنْ كَانَ هُنَاكَ لَيْبٌ وَغَنَاءٌ قِيلَ أَنْ يَحْطَرَّهَا فَلَا يَحْطَرُّهَا لِأَنَّهُ لَا يَلْبَسُهَا إِجَابَةً الدُّعْوَةِ إِذَا كَانَ هُنَاكَ مُكْرَهٌُ، «وَقَالَ عَلِيُّ بْنُ رَاضِي اللَّهِ عَنْهُ - صَنَعْتُ طَعَامًا فَدَعَوْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَجَاءَ فَرَأَى فِي الْبَيْتِ تَصَاوِيرَ فَرَجَعَهُ زَوْجَةُ ابْنِ مَاعِجَةَ، وَعَنْ ابْنِ عُمرَ أَنَّهُ قَالَ «نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ مَطْعَمَتَيْنِ عَنْ الْجُلُوسِ عَلَى مَلَاوِيَةٍ يُشْرَبُ عَلَيْهَا الْحَمَرُ، وَأَنْ يَأْكُلَ وَهُوَ مُتَبَطِّخٌ» زَوْجَةُ دَاوُدَ وَكَانَتْ الْمَسْأَلَةُ عَلَى أَنَّ التَّلَاوِيَةَ كُلَّهَا حَرَامٌ حَتَّى الثَّغْنِي بِضَرْبِ الْقُصْبِ (نبيين العقلاء، ج ٦، ص ٢٦، مكتبة امدادية):

قَالَ (وَمَنْ دَعِيَ إِلَى لَيْسَةِ أَوْ طَعَامٍ فَوَجَدَ فِيهِ لَيْسًا أَوْ غِنَاءً فَلَا بَأْسَ أَنْ يَتَغَدَّى وَيَأْكُلَ)، قَالَ أَبُو خَيْفَةَ - رَحِمَهُ اللَّهُ - : أَكْبَلْتُ بِهَذَا عُرَّةً فَصَبَّرْتُ، وَمَعَاذَ اللَّهِ لِأَنَّ إِجَابَةَ الدُّعْوَةِ سُنَّةٌ - قَالَ - عَلَيْهِ السَّلَامُ وَالسَّلَامُ - «مَنْ لَمْ يَجِبِ الدُّعْوَةَ فَقَدْ غَضِيَ أَبَا الْقَاسِمِ» فَلَا يَحْطَرُّهَا لِمَا أَفْتَرْنَا بَيْنَ الْبِدْعَةِ مِنَ غَيْرِ، كَضَلَالَةِ الْجَنَانَةِ وَاجِبَةِ الْإِقَابَةِ وَإِنْ حَضَرَتْهَا بِإِجَابَةٍ فَلَنْ قَدَّرَ عَلَى الْمَتَعِ مَتَعَتَهُمْ، وَإِنْ لَمْ يَقْدِرْ يَضُرُّ، وَمَعَاذَ اللَّهِ أَنْ يَكُنْ مُقْتَدِي بِهِ، فَإِنْ كَانَ مُقْتَدِي وَلَمْ يَقْدِرْ عَلَى مَتَعَتِهِمْ يَخْرُجُ وَلَا يَقْعُدُ: لِأَنَّ فِي ذَلِكَ فِيهِ الدِّينِ وَقَعَتْ بَابُ الْمُضَيِّعَةِ عَلَى الْمُسْلِمِينَ، وَالْمُتَحَكِّي عَنْ أَبِي خَيْفَةَ - رَحِمَهُ اللَّهُ - فِي الْكِتَابِ كَانَ قِيلَ أَنْ يَصِيرَ مُقْتَدِي بِهِ (العلانية شرح الهداية، ج ٦، ص ٩٠١، دار الكتب العلمية)

Fatawa Uthmani, vol. 1, pg. 169, Maktabah Ma'ariful Quran;

واعلم أن تعلم العلم يكون فرض عين وهو يقدر ما يحتاج لدينه. وفرض كفالية، وهو ما زاد عليه انفع غيره.
(قوله: وفرض كفاية إلخ) عرفه في شرح التحرير بالمحتتم المقصود حصوله من غير نظر بالذات إلى فاعله. قال: فيمتثلون ما هو ديني كصلاة الجنابة، ودينوي كالصناعات
للمحتاج إليها وخرج المسنون؛ لأنه غير محتتم. وفرض العين لأنه منظور بالذات إلى فاعله. اهـ. قال في تبيين المحارم: وأما فرض الكفاية من العلم، فهو كل علم لا
يستغنى عنه في قوام أمور الدنيا كالطلب والحساب
(رد المحتار على الدر المختار، ج ١، ص ٢٤، إيج إيم سعيد كمبني)

قُلْ لِلْمُؤْمِنِينَ يَتَعْصَمُوا مِنْ أَنْفُسِهِمْ وَيَتَعَقَّبُوا فُرُوجَهُمْ ذَلِكَ أَزكى لَهُمْ إِنْ اللَّهُ غَيْرُ مَا يَتَصَنَعُونَ. وَقُلْ لِلْمُؤْمِنَاتِ يَتَعَفَّفْنَ مِنْ لِبَاسِهِنَّ وَيَتَعَقَّبْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ
زِينَتَهُنَّ (سورة النور، ١٢):
وَلَا تَقْرُبُوا الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَنَ (سورة الأنعام، ١٥١):
عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: «كُتِبَ عَلَى ابْنِ آدَمَ نَصِيْبُهُ مِنَ الرِّثَاءِ، مُدْرِكُ ذَلِكَ لَا مَحَالَةَ، فَالْعَيْنَانِ زَيْنَاهُمَا النَّظَرُ، وَالْأَذْنَانِ زَيْنَاهُمَا الْإِسْتِمَاعُ، وَاللِّسَانُ
زِينَةُ الْكَلَامِ، وَالْيَدُ زِينَةُ الْبَيْطِشِ، وَالرِّجْلُ زِينَةُ الْخُطَا، وَالْقَلْبُ يَهْوَى وَيَتَمَنَّى، وَيُضَدِّقُ ذَلِكَ الْفَرْجُ وَيُكَذِّبُهُ» (صحيح مسلم، كتاب القدر، ج ٤، ص ٧٤-٢، دار إحياء
التراث):

عَنِ الْحَسَنِ قَالَ: بَلَغَنِي أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: "لَعَنَ اللَّهُ النَّاطِلَ وَالْمَنْظُورَ إِلَيْهِ"، هَذَا مُرْسَلٌ (سنن الكبرى للبيهقي، كتاب النكاح، باب ما جاء به
الرجل ينظر إلى عورة الرجل والمرأة تنظر إلى عورة المرأة و يفضي كل واحد منهما إلى صاحبه، ج ٧، ص ٩٥١، دار الكتب العلمية).
والاصل في هذا أن المرأة عورة مستورة لقوله عليه الصلاة والسلام المرأة عورة مستورة إلا ما استثناه الشرع وهما عضوان (البحر الرائق، ج ٨، ص ١٩١، إيج إيم سعيد
كمبني):

NIKAH VIA SKYPE

Q: I got my Nikkah done without my parents consent is my Nikkah valid? I was 24 years old at the time and my wife was 20. Neither my parents nor did the parents of my wife knew of this marriage. The Nikkah was performed on the internet via skype, the imam who performed the Nikkah was aware of the situation. The imam was designated as a Wali on her consent there were two other male witness present at the time of Nikkah. Her parents were not giving consent because they wanted consent from my parents first. i was forced into marriage with my cousin in pakistan by my parents and when I came back to the US i stayed in contact and married the girl i wanted while remaining married to my cousin.

I have a child with my cousin and do not like her at all. She doesn't mean anything to me. I want to leave her because I am only with her for the sake of my parents and I do not have any physical relationship wiith her, she just lives in my house. the girl who i wanted to marry told her parents about her marriage to me and they forced me to say talaq 3 times and said that our marriage was invalid to begin with.

can you please advise me on what I should do and can you tell me whether my nikkah is valid or not?

A : Before we answer your query, it is important to understand the implications your actions might have on your family and the families of the other two girls if you continue with these relationships as they are.

Islam has granted us the right to nikah as a means to secure our chastity and establish a connection with our spouses. It is a relationship formed through love and mutual understanding between the husband and the wife. If one does not value this gift from Allah Ta'ālā, it could bring catastrophic results for both the husband and the wife. In your case, not only did you consummate your marriage with your wife, you were also blessed with a child through her. Before making any further decisions in regards to your first marriage, you should consider the future of your wife and your child and contemplate over the following points:

Who will take care of the child?

How will the child live a life without love from both a mother and a father?

How will this impact your family and hers?

Have you considered your wife's feelings in this matter and the mental suffering she must be experiencing from knowing that her husband does not want to be with her or the child?

How will you answer to Allah Ta'ālā in the divine courts if you leave your child and simultaneously earn the anger of your parents? Irrespective of the pressure from your parents to marry your cousin, the fact is

you got married to her. By your choice and will, why should she suffer?

What type of impact will this have on the second girl; physically and emotionally?

How will you deal with her family and relatives?

Can you ensure her happiness in the future without the support of her parents and close family members?

In regards to your original query, we will need you to further elaborate on the following before we issue any ruling:

- (1) What were the details of the Skype nikah?
- (2) What words were used to perform the nikah by the Imam?
- (3) You stated “they forced me to say talaq 3 times”. What happened afterwards? Did you say talaq three times? If yes, what words did you use to do so?

NIKAH NOT APPROVED VERBALLY

Q: During a ceremony the father of the girl told the present people (around 15 relatives from both sides), that he had given his daughter by the named so-and-so to the boy named so-and-so. The boys family accepted the offer by giving a present, as is usual amongst the people. However, it wasnt said explicitly by the boy or any other representative that “he accepts her in marriage”. Also the mahr was not mentioned in any way. Is this a valid nikah or are the boy and girl still considered non-mahram strangers?

A: In principle, it is necessary to verbally pronounce one's approval in order to initiate the nikāh. As such, the nikāh in question was invalid and the boy and girl are still considered to be non-mah-ram for each other.

Fatawā Dārul 'Ulūm Zakariyyā, v. 3 p. 562, Zam Zam Publishers;

Fatawā Dārul 'Ulūm Deoband, v. 1 p. 419, Dārul Ishā' at;

[قال المحقق] (قوله: فلا يتعقد إلغ) تفريع على ما تقدم من انعقاده بلفظ إلغ ح (قوله: كقبض مهر) قال في البحر: وهل يكون القبول بالفعل كالقبول باللفظ كما قال ابن عابدين (قوله: فلا يتعقد إلغ) تفريع على ما تقدم من انعقاده بلفظ إلغ ح (قوله: كقبض مهر) قال في البحر: وهل يكون القبول بالفعل كالقبول باللفظ كما قال ابن عابدين؟ قال في التذكرة: أجاب صاحب البداية في امرأه زوجت نفسها باللف من رجل عند الشهود، فلم يقل الزوج شيئاً لكن أعطاها المهر في المجلس، لأنه يكون قبض، وأنكره صاحب المحيط وقال الإمام ما لم يقل، وإسناده قيلت بخلاف البيع لأنه يتعقد بالتعاطي والتكاسح لخطره لا يتعقد حتى يتوقف على الشهود وبطلان إجازة تكاح الشهود وبالفعل لوجود القول فيه. اهـ ح
(رد المحتار على الدر المختار، ج ٣، ص ٢٦، إيج ايم سعيد كمبني)

والثاني قبول وهل يكون القبول بالفعل كالقبول باللفظ كما في البيع قال: في التذكرة أجاب صاحب البداية في امرأه زوجت نفسها باللف من رجل عند الشهود فلم يقل الزوج شيئاً لكن أعطاه المهر في المجلس، لأنه يكون قبض، وأنكره صاحب المحيط، وقال: لا ما لم يقل، وإسناده قيلت بخلاف البيع؛ لأنه يتعقد بالتعاطي والتكاسح لخطره لا يتعقد حتى يتوقف على الشهود بخلاف إجازة تكاح الشهود وبالفعل لوجود القول فيه. اهـ
(البحر الرائق، ج ٣، ص ١٨، إيج ايم سعيد كمبني)

FOUR WOMEN - ONE MAN

Q: Why in Islam its permissible for men to marry 4 women but women can't marry 4 men?

A: You enquire why is it permissible in Islām for a man to have four wives whereas women can only have one husband. The straight forward and simple reply is Allah permitted men to have a maximum of four wives and Allah prohibited women to have more than one husband at a time. Allah is Al-Hakeem (All Wise). Every order of Allah has wisdom in it and is best suited for the individual and time.

When we apply our limited intellect to the differences in the enquired issue, we understand that it is a well-established research and fact that males and females differ in their character and conduct based on their natural make up. Consider the following:

-A US team at the University of Pennsylvania scanned the brains of nearly 1,000 men, women, boys and girls and found striking differences. Male brains appeared to be wired front to back, with few connections bridging the two hemispheres. In females, the pathways criss-crossed between left and right. These differences might explain why men, in general, tend to be better at learning and performing a single task, like cycling or navigating, whereas women are more equipped for multitasking, say the researchers in the journal *Proceedings of the National Academy of Sciences (PNAS)*. The same volunteers were asked to perform a series of cognitive tests, and the results appeared to support this notion.

-The researchers also believe the physical differences between the two sexes in the way the brain is hardwired could play an important role in understanding why men are in general better at spatial tasks involving muscle control while women are better at verbal tasks involving memory and intuition. Psychological testing has consistently indicated a significant difference between the sexes in the ability to perform various mental tasks, with men outperforming women in some tests and women outperforming men in others. Now there seems to be a physical explanation, scientists said.

“These maps show us a stark difference - and complementarity - in the architecture of the human brain that helps to provide a potential neural basis as to why men excel at certain tasks, and women at others,” said Ragini Verma, professor of radiology at the University of Pennsylvania in Philadelphia.

Men tend to outperform women involving spatial tasks and motor skills - such as map reading - while women tend to better in memory tests, such as remembering words and faces, and social cognition tests, which try to measure empathy and “emotional intelligence”. Researchers also mention “Females and males maintain unique brain characteristics throughout life. Male brains, for instance, are about 10% larger than female brains.” Disparities in how certain brain substances are distributed may be more revealing. Notably, male brains contain about 6.5 times more gray matter -- sometimes called ‘thinking matter’ -- than women.

The religion of Islām is a practical religion that also considers nature in directing laws and obligations. Polyandry is impractical for a woman and will place unbearable burden upon her. Thus, the prohibition of polyandry for a woman is based on care and compassion for her. How will a woman fulfill the marital demands of more than one man, his intimacy needs, his temperament, and various other challenges? When a woman with one husband experiences so many challenges, imagine the burden with more than one husband. What will a woman in such a relationship do when she is pregnant with one man’s child? How will the child’s lineage stay secure? Consider the emotions, jealousy, etc. she will have to undergo from the other husbands.

It is clear from the above that Allah Ta‘ālā’s ruling of prohibiting females to have more than one husband reflects the hikmat and wisdom of Allah and His compassion for women.

<http://www.bbc.com/news/health-25198063>
<http://www.independent.co.uk/life-style/the-hardwired-difference-between-male-and-female-brains-could-explain-why-men-are-better-at-map-reading-8978248.html>
<http://www.webmd.com/balance/features/how-male-female-brains-differ?page=2>

WISHING SOMEONE WELL ON THEIR BIRTHDAY

Q: I do not celebrate my birthday nor in my family anyone does but my friends wish me on my birthday on phone or personally or on whatsapp so at such situation is it permissible to say just “thanks” to them. It will be rude if i don’t reply. Also can i wish them on their birthday since they feel bad if i don’t. I do not indulge in their birthday parties.

A: It is clear that you are aware that celebrating birthdays is not permissible. One requires lots of wisdom and diplomacy in correcting a wrong practice especially amongst close friends and associates.

In the enquired situation you may consider replying by saying “make dua” etc. There is nothing wrong in acknowledging a birthday of someone and making dua for the person. Celebrating birthdays as disbelievers do, is prohibited.

1304 - حَدَّثَنَا عَلَمَانُ بْنُ أَبِي شَيْبَةَ، حَدَّثَنَا أَبُو الْقَاسِمِ، حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ ثَابِتٍ، حَدَّثَنَا خُشَاةُ بْنُ عَطِيَّةَ، عَنْ أَبِي مُبَيْبٍ الْبُزْجِيِّ، عَنْ ابْنِ عُمرَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ تَشَبَّهَ بِغُفُومٍ فَهُوَ مِنْهُمْ» (أبو داود)
(فتاوى محمودية، 765/91)

INSTAGRAM FOR FEMALES

Q: I recently created an Instagram so I can post material related to Islam only. My intention is to educate others on a variety of subjects that are pertinent to us today. As a Muslim woman, I was wondering if I should keep my followers restricted to females only.

A: It is encouraging to note that you are conscious of your duties as a Muslim woman. May Allah Ta'ālā keep you steadfast on his Deen. Ameen.

Islam attempts to establish a system that promotes social welfare while closing all avenues that may lead to fitnah. Like any other social networking website, allowing minimal interaction between you and other men, even if it is only by allowing them to follow your Instagram posts, may lead to further interaction in the future. To understand this more clearly, would you allow yourself to hold a forum on Islamic discussions with other men?

Even though you intend to post topics relating to Islam only, there is one main factor that must be taken into consideration. The internet is an openly accessible global network allowing all to connect with each other around the world. While you intend to maintain Islamic posts, you are opening the door for others to make a connection with you. Rasulullah (sallallahu 'alaihi wa sallam) said:

إِنَّ الشَّيْطَانَ يَجْرِي مِنَ الْإِنْسَانِ مَجْرَى الدَّمِ

Verily, Shaitān runs through a person like the running of blood (through veins). Due to the complete anonymity and privacy one has in the online world, it allows people to step across the boundaries of Shari'ah without fear from anyone. In an online environment where one is free to engage another without a second thought, it is imperative for one to be cautious and avoid any situations where it might lead one towards fitnah. As such, it is our advice that you avoid allowing men to follow your Instagram posts.

COLOUR OF NIQĀB

Q: Is it best for one who wears niqab to wear all black? I know it is permissible to wear other colors as long as it isn't bright or attractive, but I was just wondering which is best.

A: The Burqa' and Niqāb of a woman serve to conceal her beauty. As such, the Burka' and Niqāb should:

- 1) Completely conceal the body.
- 2) Be loose such that it does not show the outline and contours of the body.
- 3) Not be beautiful or of eye-catching colours, that it attracts attention. This includes bright and shiny embroidery and beads.
- 4) Not be unusual or extraordinary such that it attracts attention. It is preferable to wear a colour that is commonly worn in that particular area.

According to the principles outlined above, it is permissible for a woman to wear a Burqa' or Niqāb of any colour long as it does not violate any of the above mentioned conditions.

Fatawa Bayyinaat, Vol 4, Pg 458 (Maktabah Bayyinaat)

Fatawa Mahmudiyyah, Vol 19, Pg 307 (Maktabah Faruqiyyah)

Ahkaam-ul-Qur'aan Mufti Shafi' Uthmani, Vol 3, Pg 435 (Idarat-ul-Qur'aan)

WOMEN'S FASHION SHOW

Q: In our town there is a lady that's having a function which is called let loose. Mufti in this function there will be a book launch. Only females allowed. Women must let their hair loose and a fashion show will be taking place. The entire objective is for all Muslim females to have fun too dress let your hair open etc. Mufti please explain in view of quraan and hadith is this allowed and what advice can you give to our young girls with regards too this function.

A: Islam is a pure and dynamic religion that provides guidance for all facets of life including modes of worship, business and trade, and our dealings with others whether privately, or publically in social gatherings. Although Shari'ah does not forbid us from having fun and expressing our happiness, it still provides us guidance in expressing such feelings by setting out principles that maintain the standard of Islam.

The event in question, accompanied with a fashion show, contains many elements that go against the morals and values Islam attempts to inculcate within us:

1) Kibr and Riyā (pride and vanity): The purpose of a fashion show is to show off one's glamour by becoming eye candy for the audience. Such an act creates pride in the heart and results in a negative impact on one's imān. Consider the following hadīth:

عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: لَا يَدْخُلُ الْجَنَّةَ مَنْ كَانَ فِي قَلْبِهِ مِثْقَالُ ذَرَّةٍ مِنْ كِبَرٍ

The Holy Prophet (sallallahu 'alaihi wa sallam) said: "That person will not enter jannah who has even an atom's weight of pride in his heart."

2) Loss of Hayā: Allah Ta‘ālā has created women with the inherent quality of shame and modesty (i.e. hayā). It is a special quality that signifies the chastity and lofty status of a woman. As a pure religion, Islam also promotes acts of modesty and self respect (i.e. hayā); the Holy Prophet (sallallahu alaihi wa sallam) said:

«إِنَّ لِكُلِّ دِينٍ خُلُقًا، وَإِنَّ خُلُقَ الْإِسْلَامِ الْحَيَاءُ»

“Verily in every religion there is morality, the morality of Islam is modesty.”

In another hadith, the Holy Prophet (sallallahu alaihi wa sallam) states:

«الْحَيَاءُ مِنَ الْإِيمَانِ، وَالْإِيمَانُ فِي الْجَنَّةِ»

“Modesty is part of faith, and faith will be in Paradise.”

The event in question attempts to “free” women from this quality by “loosening themselves” in front of other women and internally maligning the standard of a Muslim woman through behaving in a “fun” manner.

3) Tashabbuh (imitation): Like any other religion, there are certain values that are unique to Islam itself that make it stand out amongst the rest. It is for this reason the Holy Prophet (sallallahu ‘alaihi wa sallam) forbade us from sacrificing such values for the sake of imitating others (e.g. through fashion shows) under the facade of “fun” and “amusement”. Consider the following hadith:

قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ تَشَبَّهَ بِقَوْمٍ فَهُوَ مِنْهُمْ»

The Holy Prophet (sallallahu ‘alaihi wa sallam) said: “He who imitates a group of people is from amongst them.”

4) Lahw: “Lahw” can refer to anything that does not reap any apparent benefit. Although the event in question includes many activities of amusement and fun, it lacks the main essence of any true Islamic gathering, the remembrance of Allah Ta‘ālā. A gathering devoid of such is deprived of the blessings of Allah the Almighty and the company of the angels. The Holy Prophet (sallallahu ‘alaihi wa sallam) said:

إِنَّ لِلَّهِ تَبَارَكَ وَتَعَالَى مَلَائِكَةً سَيَّارَةً، فَضَّلًا يَتَّبِعُونَ مَجَالِسَ الذِّكْرِ، فَإِذَا وَجَدُوا مَجْلِسًا فِيهِ ذِكْرٌ قَعَدُوا مَعَهُمْ، وَخَفَّ بَعْضُهُمْ بَعْضًا بِأَجْنِحَتِهِمْ، حَتَّى يَمْلَأُوا مَا بَيْنَهُمْ وَبَيْنَ السَّمَاءِ الدُّنْيَا، فَإِذَا تَفَرَّقُوا عَرَجُوا وَصَعِدُوا إِلَى السَّمَاءِ

Allah has mobile (squads) of angels, who have no other work (to attend to but) to follow the assemblies of Dhikr and when they find such assemblies in which there is Dhikr (of Allah) they sit in them and some of them surround the others with their wings till the space between them and the sky of the world is fully covered, and when they disperse (after the assembly of Dhikr is adjourned) they go upward to the heaven.

It is our humble advice that the hosts of this event rethink their approach in holding such a gathering and further make an effort to have an event that not only conforms to the ideals and principles of Islam, but also creates an environment that brings about fun and enjoyment while maintaining activities involving the remembrance of Allah Ta‘ālā. This includes, but is not limited to recitation of the Quran, a set time for ‘ibādah, lectures about famous Sahabiyyāt, and interactive youth talks that discuss topics relating to the struggles of the young in today’s environment.

Insha-Allah, such an effort will not only bring enjoyment for the

young, but it will also serve as a tool to boost one's imān while simultaneously earning the blessings and pleasure of Allah Ta'ālā.

و حكمه ما أشار اليه بقوله (والكبر حرام) مطلقاً سواء علي ما انتصف به أولاً، (و رذيلة) خصلة دينية، (عظيمة من العباد) دون المعبود؛ لأنه دليل نسيان العبد خالقه و عجزه و تغافله عن خلقته من ماء مهين... و قد قال صلى الله عليه و سلم: لا يدخل الجنة من كان في فيه مثقال ذرة من كبر (البرقة المحمودية في شرح الطريقة المحمدية، ج ٣، ص ٧٢، دار الكتب العلمية)؛

(والرابع الغفلة) ضد الفرج و عن سيبويه دقة الحسن (وذلك أكثر ما يتجري في السماء) وقد يتجري في العلماني الحسن لاجذاب الغلوب يقتضون ويتكثرون على أراجهم للقضاء عظيم؛ لأن الغفلة سريع الزوال (وهذا أيضاً) كالبحر بالنسب (جهل إذ هو فان) من الفناء (سريع الزوال) وكل شيء ليس له بقاء فالتكبر به جهل؛ لأنه ليس ملكاً لصاحبه، بل يذهب كغيره من مشغبي سبيل في أهليه (لا تنظر إل ظهرك نظر البهائم)... البهائم فإن الغافل لا يتفقه به، بل يجهل النظر ويتدنر عاقبته وفعلة (وانظر إل باطنك) أهو مغمو يحافظه فريعة الله وممارسة شاة خبيث الله (نظر الغفلة أولك نقطة مدرة) يفتح وتسر مغفوة يتل لطريقي نظر الغفلة (عرجت من مجرى التواري)

(البرقة المحمودية في شرح الطريقة للمحمدية، ج ٣، ص ١٠١، دار الكتب العلمية)

ورياه اهل الدنيا بإظهار السمن و صفاء اللون و اعتدال القامة و حسن الوجه و نظافة البدن و نحوها

(البرقة المحمودية في شرح الطريقة للمحمدية، ج ٢، ص ٢٥٢، دار الكتب العلمية)

Sahih Muslim, 149, The Book of Faith
Sunan Ibn Majah, 4182, Book of Zuhd, Chapter of Hayā
Sunan Ibn Majah, 4184, Book of Zuhd, Chapter of Hayā
Sunan Abi Dawud, 4031, Book of Clothing

أهو: (قال شيخنا: قضيتهم اتحادهما وقد فرق بينهما جماعة من أهل الفرق، فقيل: الله والأصبع يشتركان في أنها أفعال مما لا يعنى من هوأى أو طرب عظاماً أو لا، قيل: (واللهو أعم مطلقاً، فاستماعاً للملاهي لله لا لعب...
قلت: وقيل: أصل اللهو الترويح عن النفس مما لا تقتضيه الحكمة، وقال الطرسوسي: اللهو الشيء الذي يُلذ به الإنسان ثم ينقض، وقيل: ما يشغل الإنسان عما يهيمه، وأما الميت فهو الكتاب أمر غير معلوم الفائدة، وقيل: هو الأفعال مما ينفع وما لا ينفع، وقيل: أن يخلط بعمله لعباً ويقال لما ليس فيه غرض صحيح.

Sahih Muslim, 2689, The Book Pertaining to the Remembrance of Allah, Supplication, Repentance and Seeking Forgiveness
Fatawa Mahmudiyyah, vol. 6, pg. 123, Maktabah Mahmudiyyah

MEDICAL TREATMENT TO THE OPPOSITE GENDER

Q: Is it sinful to treat the opposite gender while studying medicine and as a doctor? Also, are brands that are not animal cruelty free haram for Muslims?

A: Islam is a dynamic religion that covers all facets of life and takes into account all situations that might arise within a society. The field of medicine is no exception; people throughout the world are always in need of medical attention at some point within their lives. There are even those who require medical assistance every single day. In light of this need, Shari'ah has allowed one to pursue the field of medicine and offer one's service at a hospital in order to fulfill the need of the society by giving aid to such people. However, this does not mean that Shari'ah has not placed rules and conditions that must be followed while pursuing such a career. The laws of intermingling between the sexes are no exception. Allah Ta'ālā says in the Holy Quran:

قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ. وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ (سورة النور، ١٣)

Say to the believing men that they must lower their gazes and guard their private parts; it is more decent for them. Surely Allah is All-Aware of what they do. And say to the believing women that they must lower their gazes and guard their private parts, and must not expose their adornment.

As such, it is imperative for one studying or practicing medicine to try one's best to avoid situations where one must compromise on this command of Allah the Almighty. Unless there is a dire need where the same gender is not available, it will not be feasible for one to treat such a patient. If one is forced to do so, then it is important to keep all interaction as limited as possible.

Islam is a religion that teaches us to be kind and gentle to animals even at the time of slaughter. It is reported that the Holy Prophet (sallallahu 'alaihi wa sallam) said:

وإِنَّ اللَّهَ كَتَبَ الْإِحْسَانَ عَلَى كُلِّ شَيْءٍ فَإِذَا قَتَلْتُمْ فَأَحْسِنُوا الْقِتْلَةَ وَإِذَا ذَبَحْتُمْ فَأَحْسِنُوا الذَّبْحَ وَلِيُحَدِّثْكُمْ شَفَرَتَهُ فَلْيُرْخِ ذَبِيحَتَهُ

And when you slaughter, slaughter in a good way. Every one of you should sharpen his knife, and let the slaughtered animal die comfortably.

It is clear from the hadith above that Islam emphasizes good treatment of animals and discourages anything to the contrary. As such, it is makrūh (highly disliked) for the slaughterers to put the animals through unnecessary pain before slaughtering the animal. Nevertheless, if it can be verified that a certain brand hand-slaughters animals according to the conditions set out by Shari'ah (e.g. taking the name of Allah upon the slaughtered animal and severing three of the four vessels), then it will be permissible for one to eat from the meat of such an animal and it will not make the meat harām for consumption.

Fatawa Uthmani, vol. 1, pg. 169, Maktabah Ma'ariful Quran;

واعلم أن تعلم العلم يكون فرض عين وهو بقدر ما يحتاج لدينه. وفرض كفاية، وهو ما زاد عليه لنفع غيره. (قوله: وفرض كفاية إلخ) عرفه في شرح التحرير بالمعتمد المقصود حصوله من غير نظر بالذات إلى فاعله. قال: فيتناول ما هو ديني كصلاة الجنازة، ودينوي كالصنائع المحتاج إليها وخرج المسنون؛ لأنه غير متعتمد، وفرض العين لأنه منظور بالذات إلى فاعله. اهـ. قال في تبيين المحارم: وأما فرض الكفاية من العلم، فهو كل علم لا يستغنى عنه في قوام أمور الدنيا كالتب والحقاب والحساب (رد المحتار على الدر المختار، ج ١، ص ٢٤، إيضاح إمام سعيد كمبني)

Al-Quran, Surah An-Nur:31

فإن أصاب امرأة جرح أو قرحة في موضع لا يعمل للرجل أن ينظروا إليه فلا بأس بأن يعلم امرئة دواء ذلك الجرح. فإن لم يجدوا امرأة تدلوي الجرح الذي بها أو القرحة ولم يجدوا علي امرئة تعلم ذلك، وخافوا على المرأة التي بها الجرح أو القرحة أن تهلك أو يصبها بلاء أو دخلها من ذلك وجع لا يحتمل، أو لم يكن يدلوي الموضع إلا رجل، فلا بأس بأن يستتر منها كل شيء إلا موضع الجرح أو القرحة ثم يدلوي الرجل ويغض بصره بما استطاع عن عورة وذات محرم وغيرها في ذلك سواء (كتاب الأصل للإمام محمد الشيباني، ج ٢، ص ٨٣٢-٨٣٣، دار ابن حزم)

[قال الحصكفي] وَشَرَاهَا وَمُذَاوَاهَا يُنْظَرُ الطَّبِيبُ (إِلَى مَوْضِعِ مَرَضِهَا بِقَدْرِ الْمُرُورَةِ) إِذَا الْمُرُورَاتُ تَتَقَدَّرُ بِقَدْرِهَا وَكَذَا نَظَرُ قَائِلَةٍ وَعَتَانٍ وَتَبْتِغِي أَنْ يُعَلَّمَ امْرَأَةً تَدُلُّوْهَا لِأَنَّ نَظَرَ الْجَنِينِ إِلَى الْجَنِينِ أَغْفُ.

[قال ابن عابد] [قَوْلُهُ وَتَبْتِغِي إِلَيْهِ] كَذَا أُلْقِيَ فِي الْهَدَايَةِ وَالْحَلَالِيَّةِ وَقَالَ فِي الْجَوْهَرَةِ إِذَا كَانَ الْمَرْضَى فِي سَائِرِ بَنَاتِهَا غَيْرِ الْفَرْجِ يَجُوزُ النَّظَرُ إِلَيْهِ عِنْدَ الدَّوَاءِ، لِأَنَّهُ مَوْضِعُ ضَرُورَةٍ، وَإِنْ كَانَ فِي مَوْضِعِ الْفَرْجِ، فَيُتَبْتِغِي أَنْ يُعَلَّمَ امْرَأَةً تَدُلُّوْهَا فَإِنْ لَمْ تَوْجَدْ وَخَافُوا عَلَيْهَا أَنْ تَهْلِكَ أَوْ يُصِيبَهَا وَجَعٌ لَا تَحْتَمِلُهُ يُشْهَرُوا مِنْهَا كُلُّ فَرْجٍ إِذَا مَوْضِعُ الْعِلَاجِ ثُمَّ يَدُلُّوْهَا الرَّجُلَ وَيَغْضُ بَصَرَهُ مَا اسْتَطَاعَ إِلَّا عَنْ مَوْضِعِ الْجُرْحِ اهـ قَتَائِلُ وَالطَّاهِرُ أَنَّ " يَتَبْتِغِي " هُنَا لِلْوَجُوبِ (رد المحتار على الدر المختار، ج ٩، ص ٢٦٦، دار المعرفه)

و كذا إذا كان بها جرح او قرح في موضع لا يحل للرجال النظر اليه، فلا بأس أن تدانويها إذا علمت المداواة... فإن لم توجد امرأة تعلم المداواة و لا امرأة تعلم و خيف عليها الهلاك او يلاذ او وجع لا تحتمل يدانويها الرجل، لكن لا يكشف منها إلا موضع الجرح و يغض بصره ما استطاع، لأن الحمرات الشرعية جاز أن يسقط اعتبارها شرعا لمكان الضرورة
(بدائع الصنائع، ج ٦، ص ٩٩٤، دار الكتب العلمية)

Sahih Muslim, 1955, The Book of Hunting, Slaughter, and What May Be Eaten

قال: "ويستحب أن يحد الذابغ شفرته" لقوله عليه الصلاة والسلام: "إن الله تعالى كتب الإحسان على كل شيء، فإذا قتلتم فأحسنوا القطة، وإذا ذبحتم فأحسنوا الذبيحة، وليحد أحدكم شفرته وليرج ذبيحته" ويكره أن يضجعها ثم يحد الشفرة لما روي عن النبي عليه الصلاة والسلام: "أنه رأى رجلاً أضجع شاة وهو يحد شفرته فقال: لقد أردت أن يميتها موتات، هلا حددتها قبل أن تضجعها"... والحاصل أن ما فيه زيادة إيلام لا يحتاج إليه في الذكاة مكروه...
(الهداية، ج ٤، ص ٨٣٤، مكتبة رحمانية)

[قال زين الدين الرازي] ويستحب إحداث السكين قبل الإضجاع. وكل زيادة تعذيب لا يحتاج إليها مكروه، حرم للذبيح برجله إلى اللذيق، وسلخه قبل أن يتم...
[قال العيني] لقوله - صلى الله عليه وسلم - إن الله كتب الإحسان على كل شيء، فإذا قتلتم فأحسنوا القطة، وإذا ذبحتم فأحسنوا الذبيحة، وليحد أحدكم شفرته، ويرج ذبيحته، رواه مسلم، وأحمد، وغيرهما... قوله: وكل زيادة تعذيب لا يحتاج إليها مكروه؛ لأنه تعذيب الحيوان بلا فائدة
(المسبوك على منة السلوك في شرح تحفة الملوك، ج ٤، ص ١٩-٢٩)

Legal Rulings on Slaughtered Animals by Mufti Muhammad Taqi Uthmani, pg. 15 & 20, Maktabah Darul-'Uloom Karachi;

وَالذَّبْحُ هُوَ فَرْقِ الْأَوْدَاجِ وَمَحَلُّهُ مَا بَيْنَ اللَّيْثِ وَالنَّخْيِ، يَقُولُ اللَّيْثُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - «الذَّكَاةُ مَا بَيْنَ اللَّيْثِ وَالنَّخْيَةِ» أَيْ مَحَلُّ الذَّكَاةِ مَا بَيْنَ اللَّيْثِ وَالنَّخْيِ وَرَوَى الذَّكَاةُ فِي الْعَلْقِي وَالنَّخْرِ فَرْقِ الْأَوْدَاجِ أَيْزُ الْخَلْقِي، وَلَوْ لَمَرَّ مَا يُذْبَحُ وَكَيْفَ مَا يُذْبَحُ يَحِلُّ لِيُؤْخَذَ فَرْقِ الْأَوْدَاجِ وَلَكِنَّهُ يَنْبَغِي، لِأَنَّ السُّقَّةَ فِي الْإِبِلِ الشَّرْطُ فِي غَيْرِهَا الذَّبْحُ... وَلَئِنْ الْمَقْصُودُ إخراج الدَّمِ الْمَشْفُوعِ وَتَطْيِيبِ الدَّمِ، وَذَلِكَ يَحْتَمِلُ يَقْطَعُ الْأَوْدَاجِ فِي الْعَلْقِي فَالْأَمْرُ بِالْأَوْدَاجِ أَرْبَعَةٌ: الْغُلُومُ، وَالْمَرِيءُ، وَالْجِرْقَانِ الَّذَانِ بَيْنَهُمَا الْغُلُومُ وَالْمَرِيءُ، فَإِذَا فُرِيَ ذَلِكَ كُلُّهُ فَقَدْ أُلِيَ بِالذَّكَاةِ يَكْمَالِهَا وَسُتْبِهَا وَإِنْ فُرِيَ الْبَيْضُ دُونَ الْبَيْضِ فَعِنْدَ أَبِي عُبَيْدَةَ - رَضِيَ اللَّهُ عَنْهُ - إِذَا قُطِعَ أَكْثَرُ الْأَوْدَاجِ وَهُوَ ثَلَاثَةٌ مِنْهَا أَيْ ثَلَاثَةٌ كَانَتْ وَتَرَكَ وَاحِدًا يَحِلُّ وَقَالَ أَبُو يُوسُفَ - رَحِمَهُ اللَّهُ -: لَا يَحِلُّ حَتَّى يَقْطَعَ الْغُلُومُ وَالْمَرِيءُ وَأَعَدَّ الْجِرْقَيْنِ وَقَالَ مُحَمَّدٌ - رَحِمَهُ اللَّهُ -: لَا يَحِلُّ حَتَّى يَقْطَعَ مِنْ كُلِّ الْأَرْبَعَةِ أَكْثَرُ (بدائع الصنائع في ترتيب الشرائع، ج ٥، ص ١٤، دار الكتب العلمية)

(وَعَلَّ) الْمَذْبُوحُ (يَقْطَعُ أَيْ يُلَاقِ مِنْهَا) إِذْ يَلَاكُثَرُ عِنْدَ الْكَلِّ (رد المحتار على الدر المختار، ج ٦، ص ٤٩٢، إيج ليم سعيد كميني)

قال: "ومن بلغ بالسكين النخاع أو قطع الرأس كره له ذلك وتوكل ذبيحته"... وهذا لأن في جميع ذلك وفي قطع الرأس زيادة تعذيب الحيوان بلا فائدة وهو منهى عنه. والحاصل: أن ما فيه زيادة إيلام لا يحتاج إليه في الذكاة مكروه. ويكره أن يجر ما يريد ذبحه برجله إلى المذبح، وأن تنفع الشاة قبل أن تبرد: يعني تسكن من الاضطراب، ويعدله لا أم فلا يكره النخع والسلك، إلا أن الكراهة لمعنى زائد وهو زيادة الإلم قبل الذبح أو بعده فلا يوجب التحريم لهذا قال: توكل ذبيحته
(الهداية، ج ٤، ص ٧٣٤-٨٣٤، مكتبة رحمانية)

FIFTY WOMEN - ONE MAN

Q: Have the ‘Ulamah devised methods whereby in the end times a man has the ability to look after 50 women? ...4. women will increase in number and men will decrease in number so much so that fifty women will be looked after by one man. (Book #3, Hadith #81) Sahih Al-Bukhari. If it does not concern us at present we should at least be devising mechanisms whereby this future concern can be troubleshootted, because already there are voices offering their solu-

tions; solutions which may not be right and Halal and whereby a vast multitude of Muslims will be led astray.

“Malakat Yad And Akhirul Zaman” By Sheikh Imran Hosein -He is saying that in the end times it will become a necessity for women to give up their freedom, arguing from Daroora, in order to obtain the protection of a man; and that such a thing can be condoned in Shari’ah under the rules of necessity. The Europeans concocted such a scheme when in return for the forgiveness of debts they would pledge labor, become slaves, presumably until the debt was repaid: “Debt bondage (also known as debt slavery or bonded labor) is a person’s pledge of their labor or services as security for the repayment for a debt or other obligation. The services required to repay the debt may be undefined, and the services’ duration may be undefined. Debt bondage can be passed on from generation to generation.” http://en.wikipedia.org/wiki/Debt_bondage

In our instance the women would be selling their freedom for protection and provision. Is it possible for one to give up one’s freedom in order to become the slave of another human in order to receive some material benefit? I do not expect this question to be answered in short order, it is a question that may require extensive ijtihad on the part of the elite of the elite ‘Ulama. But it is a topic that must be broached and then plumbed if we are to head off catastrophe in the end times, especially since women are being hooked onto Lesbianism as the alternative lifestyle, a life free of men where women get to do what they want.

Our girls are the most vulnerable, especially in the West, as they are growing up bathed in this kind of culture. As the male population shrinks therefore we have to have mechanisms that preserve the traditional healthy way of life in the midst of alternatives and unneeded “antidotes.” If there are no ready answers please do forward this

question up the chain of command until it reaches someone with insight into the matter.

A : Before we answer your query, it is important to keep in mind that although Shaykh Imran Hosein is a knowledgeable person, he is known to have many opinions that conflict with traditional Islamic texts and the opinions of many ‘Ulamā, especially in regards to future events surrounding the signs of the last hour. We have conducted an enquiry about Shaykh Imran Hosein and found that it is unsuitable to listen to his talks. Please refer to the following links for more information:

http://askimam.org/public/question_detail/27634

http://www.askimam.org/public/question_detail/28659

Since your query deals with the meaning and interpretation of a hadith and a solution provided for it based on that interpretation, we shall first explain the meaning of the hadith in question as explained by the muhaddithūn:

The hadith in reference is as follows:

عَنْ أَنَسِ بْنِ مَالِكٍ، قَالَ: لَأُحَدِّثَنَّكُمْ حَدِيثًا لَا يُحَدِّثُكُمْ أَحَدٌ بَعْدِي، سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: ” مِنْ أَشْرَاطِ السَّاعَةِ: أَنْ يَقُلَ الْعِلْمُ، وَيَظْهَرَ الْجَهْلُ، وَيَظْهَرَ الزُّنَا، وَتَكْثُرَ النِّسَاءُ، وَيَقِلَّ الرِّجَالُ، حَتَّى يَكُونَ لِخَمْسِينَ امْرَأَةً الْقِيَمُ الْوَاحِدُ ”

Anas (radiyallahu ‘anhu) narrates: I will narrate to you a hadith that none other than I will tell you about after it. I heard Allah’s Messenger (sallallahu ‘alaihi wa sallam) saying: From among the signs of the Hour are (the following): Religious knowledge will decrease (by the death of religious learned men). Ignorance will prevail. There will be prevalence fornication. Women will increase in number and men will decrease in number, so much so that there will be one (male) caretaker for fifty women.

While commenting on the portion of this hadīth regarding the number of women, Hafiz ibn Hajar al-'Asqalānī (rahimahullah) mentions in his famous commentary on Sahīh al-Bukhārī, Fath al-Bārī:

يُحْتَمَلُ أَنْ يُرَادَ بِهِ حَقِيقَةُ هَذَا الْعَدَدِ أَوْ يَكُونُ مَجَازًا عَنِ الْكَثَرَةِ وَيُؤَيِّدُهُ أَنْ فِي حَدِيثِ أَبِي مُوسَى وَتَرَى الرَّجُلَ الْوَاحِدَ يَتَّبِعُهُ أَرْبَعُونَ امْرَأَةً

It is possible that the actual amount (i.e. fifty women) is intended or that it is a figurative expression simply indicating an increase (in the number of women and not the actual number of women). This is substantiated by the hadith of Abu Mūsā (radiyallahu ‘anh) “and you will see one man being followed by forty women” (i.e. a different number is used there in order to show an increase as well).

‘Allamah ‘Aynī (rahimahullah) also mentions this in his book ‘Umdat al-Qārī: A commentary on Sahīh al-Bukhārī.

Hafiz ibn Hajar (rahimahullah) further comments on the cause behind such a disorder in the number of men and women by quoting the words of Imam al-Qurtubī from his book At-Tadhkirah bi Ahwāl al-Mawtā wa Umūr al-Ākhirah:

يُحْتَمَلُ أَنْ يُرَادَ بِالْقِيمِ مَنْ يَقُومُ عَلَيْهِمْ سِوَاةُ كُنْ مَوْطُوءَاتٍ أَمْ لَا وَيُحْتَمَلُ أَنْ يَكُونَ ذَلِكَ يَقَعُ فِي الزَّمَانِ الَّذِي لَا يَبْقَى فِيهِ مَنْ يَقُولُ اللَّهُ اللَّهُ فَيَنْتَزِعُ الْوَاحِدَ بَعْدَ جَهْلًا بِالْحُكْمِ الشَّرْعِيِّ

“It is possible that ‘caretaker’ here refers to someone who will look after the women whether they are slave-women or not. It is also possible that such a situation will take place in a time where there will be no one left to say ‘Allah Allah’; thus, one person will marry without (any restriction in) number due to his ignorance of the Shar’ī ruling.” Based on the explanations provided above, we would like to highlight the following points:

(1) The number of women being fifty is not definite. It is simply being used to refer to a high number of women without attribution to a specific amount.

(2) It is not definite whether men will be caretakers of women who are regarded as slave-women. It is highly likely that this is not the case.

(3) The beginning portion of the hadīth points to the fact that religious knowledge will become scarce, due to which many men might marry (not enslave) more than four women out of sheer ignorance of legal rulings.

Now that we have discussed the portion of the hadīth under question, we shall continue with answering the rest of your questions.

“If it does not concern us at present we should at least be devising mechanisms whereby this future concern can be troubleshot, because already there are voices offering their solutions”

It is often heard by many medical doctors that prevention is key when dealing with sicknesses, not treatment. Similarly, the first portion of this hadīth highlights the fact that these are all signs of the Day of Judgment. This hadīth also mentions a prevalence of zinā (fornication); another narration of the same hadīth mentions an increase in the consumption of alcohol as well. There are numerous other signs mentioned throughout a number of ahādīth warning us of the dangers we might face in regards to our imān in the future. The purpose of such ahādīth is to remind us that we should mend our ways and keep our attention focused on the final day, not so we can provide solutions to problems that may or may not happen based off of a possible interpretation of a hadīth.

Furthermore, the hadith clearly states that a man will become the caretaker of many woman. Why do we have to force ourselves to fit a certain solution regarding how this will play out? If Allah Ta'ālā chooses such an event to take place, it will happen regardless of how we choose to interpret it. It may be through the means of a legal nikāh or through some other means unknown to us at this time. Our job is to focus on the big picture; worshipping Allah Ta'ālā and fixing ourselves before the era of fitan arises and the doors of tawbah are closed for eternity on this Earth.

Allah the Almighty says in the Holy Quran:

وَلَا تَكْسِبُ كُلُّ نَفْسٍ إِلَّا عَلَيْهَا وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ ثُمَّ إِلَىٰ رَبِّكُم مَّرْجِعُكُمْ فَيُنَبِّئُكُم بِمَا كُنتُمْ فِيهِ تَخْتَلِفُونَ

And every soul earns not [blame] except against itself, and no bearer of burdens will bear the burden of another. Then to your Lord is your return, and He will inform you concerning that over which you used to differ.

“The Europeans concocted such a scheme when in return for the forgiveness of debts they would pledge labor, become slaves, presumably until the debt was repaid...Is it possible for one to give up one’s freedom in order to become the slave of another human in order to receive some material benefit? “

If anyone is well-acquainted with the texts of the Quran and the ahādīth, they would be aware of the fact that Islam sets out to emancipate all slaves through various means, not to bring free people back into the realm of bondage. There are a huge number of Qur’anic verses and Holy Prophetic traditions which elaborate on the virtues and merits of setting slaves free.

In juristic injunctions, pretexts have been looked for to emancipate slaves: expiation for violating fast, for murder, for violating oaths and vows, etc. - in all these cases the first compulsory command is to emancipate a slave.

The concept known as debt bondages was nothing other than outright oppression. If the Shari'ah makes it a goal to free all slaves, how can one say that we should go against these ideals by enslaving the poor and labelling it as a "solution"? The collective teachings of the Qur'an and Hadith lead us to believe that emancipating them is more meritorious than enslavement. Moreover, attributed slavery (i.e. where a person was originally free) was restricted to prisoners of war only during the time of the Holy Prophet (sallallahu 'alaihi wa sallam). It is for this reason that it is inappropriate to even suggest enslaving free Muslim women for such a cause. "He is saying that in the end times it will become a necessity for women to give up their freedom, arguing from Daroora...it is a question that may require extensive ijtihad on the part of the elite of the elite 'Ulama."

It is important to understand that the concept of dharūrah is only relevant to those times where the dharūrah exists. Since the concept of selling a freed person is impermissible in Shari'ah, deriving a ruling based off of dharūrah without knowing the reality of the actual situation is not enough to give leeway for it. It is not the job of the 'Ulamā today to determine a ruling based on dharūrah for a need that is unknown, let alone a need that is currently non-existent. We should rather concern ourselves with the problems that face us today. As mentioned before, the hadith in question highlights the signs of Yaw Al-qiyāmah whose purpose is mainly to remind us that we should be ready for the trials ahead, not that we should make preparations based off of unknown dharūrāt for something that may or may not happen the way we presume.

Furthermore, it is clearly mentioned in the hadith that this event will occur during times of fitnah where knowledge will become scarce. This scarcity of knowledge is explained by the Holy Prophet (sallallahu alaihi wa sallam) himself in the following words:

إِنَّ اللَّهَ لَا يَقْبِضُ الْعِلْمَ انْتِزَاعًا يَنْتَزِعُهُ مِنَ الْعِبَادِ، وَلَكِنْ يَقْبِضُ الْعِلْمَ بِقَبْضِ الْعُلَمَاءِ، حَتَّى إِذَا لَمْ يَبْقَ عَالِمًا اتَّخَذَ النَّاسُ رُءُوسًا جُهَالًا، فَسُئِلُوا فَأَفْتَوْا بِغَيْرِ عِلْمٍ، فَضَلُّوا وَأَضَلُّوا

“Allah does not take away the knowledge, by taking it away from (the hearts of) the people, but takes it away by the death of the ‘Ulamā till when none of the (religious learned men) remains, people will take as their leaders ignorant persons who when consulted will give their verdict without knowledge. So they will go astray and will lead the people astray.”

If such will be the situation at this time, where the ‘Ulamā will be no more and the ignorant will be prevalent, how can anyone expect those who live in such a time to abide by the laws of ‘Ulamā in the past, especially when the people themselves will be ignorant of the most simple of laws such as the limit of marrying only four women (as stated by Imam al-Qurtubī in his commentary on this hadith)?

“Our girls are the most vulnerable, especially in the West, as they are growing up bathed in this kind of culture.”

The laws of Islam are designed to protect the chastity of young men and women by providing guidelines that hinder all possibilities of indecent acts taking place.

As such, if someone truly desires to save their children from the negative effects of western culture, then they should instill the teachings of the Quran and ahadith in the hearts of their children and promote an environment free from external influences that become

an obstruction to pure Islamic values such as the effects of television, media, and peer pressure from social circles that do not contain any signs of Deen. May Allah Ta'ālā protect us all from the trials that lie ahead and grant us success in this life and the hereafter. Ameen.

Sahih al-Bukhari, 81, The Book of Knowledge
Fath al-Bārī, vol. 1, pg. 218, Darul Hadith

قوله: (الخمسين امرأة) يختصم أن يُراد بها حقيقة هذا العدد، وأن يُراد بها كونها معًا عن الكثرة، ولعلَّ الشرَّ فيه أن الأُرْبعة في كَمالِ نصابِ الرُّوجات، فأغبر الكَمالَ معَ زيادةِ واحدةٍ عليه، ثم اعتبر كل واحدةٍ بعشر أمثالها ليصير فوق الكَمالِ مُبالغةٌ في الكثرة، أو لأنَّ الأُرْبعةَ مِنها يمكن تألف العشرة، لأنَّ فيها واحد أو اثني وثلاثة وأربعة، وهذا المشجوع: عشرة، ومن العشرات المئات، ومن المئات الآلاف، فهي أصل جميع مراتب الأعداد، فزيد فوق الأصل واحد آخر ثم اعتبر كل واحدةٍ مِنها بعشر أمثالها أيضًا تأييدًا للكثرة، ومبالغة فيها
(عمدة القاري، ج ٢، ص ٦٣، المكتبة التوقفية)

Fath al-Bārī, vol. 1, pg. 218, Darul Hadith
Sahih al-Bukhari, 5231, The Book of Nikāh
Al-Quran, al-An'am:164

Ma'ariful Quran, "An Objection and its Rebuttal", Surah Muhammad, verse 4

[قال الشلبي] (قوله في المتن لم يخبر بربع الميتة إلخ) قال الأَنْفَارُ: فَأَمَّا النِّبْغُ بِالنِّبْتِ وَالْذَّمُّ بِاطِلٍ وَكَذَلِكَ نَبْغُ الْخَرِّ وَذَلِكَ لِتَعْدِمِ حَقِيقَةُ النِّبْغِ؛ لِأَنَّهَا مُبَادَلَةُ الْمَالِ بِالْمَالِ عَلَى الرِّاضِي وَهَذِهِ الْقِتْمَاءُ لَيْسَتْ بِمَالٍ عِنْدَ أَحَدٍ يَمُنُّ لَهُ دِينَ سَوَاقٍ فَيَبْتَطِلُ النِّبْغُ وَلَا يُفِيدُ الْمِلْكَ (تبيين الحقائق، ج ٤، ص ٤٤، مكتبة إمدادية)
وَكَوْنُهُ مَقْدُورٌ لِلتَّسْلِيمِ فَلَمْ يَتَغَيَّرْ نَبْغُ الْمَعْدُومِ وَمَا لَهُ عَطَرُ الْعَذَمِ كَالْحَمْلِ وَاللَّيْ فِي الطَّرْعِ وَالْعُمَرُ قَبْلَ طُهُورِهِ وَهَذَا الْعَبْدُ فَإِذَا هُوَ جَارِيَةٌ، وَكَذَلِكَ الْخَرُّ (رد المحتار علي الدر المختار، ج ٤، ص ٥٠٥، إيج ليم سعيد كمبني)

Sahih al-Bukha

CAN WOMEN USE NAIL POLISH?

Q: Can girls wear nail polish while having their periods? Because they don't have to pray or need of wudhu they can use nail polish?

A: In a normal situation, wudū and ghusl with nail polish will be invalid. Though women may wear nail polish during their periods, as they are pardoned from salah, it is still mustahab (preferable) for a woman in her period at the time of salah to perform wudū and engage in zikr where she normally performs her salah in the house. This practice also ensures that she stays in the habit of performing salah.

WOMEN GIVING DAWAH

Q: Is there any specific ways a woman can give Dawah, how important is it for woman to give Dawah in Islam, is there any restrictions/conditions? Does a woman obey her husband or can she do as she pleases and give Dawah without disturbances?

A: Daw'ah has been the foremost responsibility of every prophet. Among the three missions of Rasulullah ﷺ, Da'wah has been enumerated through the recitation of the Qur'an-e-Kareem. Every Muslim, male and female is tasked with the responsibility of Da'wah. However, while acknowledging the great merits of Da'wah, we should also guard ourselves from all forms of fitnah especially when using modern technology such as the internet etc. for Da'wah. The strong possibility of fitnah through facebook, chat rooms, etc. cannot be ignored. Many sincere people have used these forms for Da'wah but got caught up in some form of illicit and immoral relationship with the opposite gender.

The principle of Shari'ah is that preference must be given to basic responsibilities. A married woman's basic responsibility is towards her husband and family. In giving Da'wah, it is not permissible for a married person to infringe on the marital rights. It is therefore best for a woman to consult with her husband before engaging in any Da'wah activity to ensure he is also comfortable and his rights are not compromised.

هُوَ الَّذِي يَبْعَثُ فِي الْأُمَمِينَ رَسُولًا مِنْهُمْ يَتْلُو عَلَيْهِمْ آيَاتِهِ وَيُزَكِّيهِمْ وَيُعَلِّمُهُمُ الْكِتَابَ وَالْحِكْمَةَ [سورة الجمعة: ٢].
فتاوى محمودية، باب التبليغ، ج ٤، ص ٨٦٢، جامعة فاروقية
طلب العلم فريضة علي كل مسلم [سنن ابن ماجه، باب فضل العلماء والحث علي طلب العلم، ص ٢٠٢، قديمي]

WHAT IS THE STATUS OF YOUR STATUS?

Q: Is it Islamically correct to say, "Happy Birthday!" On someone's date of birth? I have noticed many people write such terms on their status message on multiple social networking sites! I have also noticed many people put their nieces or nephews or worse their own photos as display pictures, especially females, is this permissible? If it's not then how can I tactfully tell them so?

A: There is no doubt that social networking sites have become an important part of people's lives. This is evidenced from the millions of users that are part of these online communities. While social networking sites can be used for good and/or permissible works such as dawah, business promotions, and breaking news - they are more often than not used for impermissible purposes such as intermingling, browsing photos, chatting, and online relationships. As a result, only a minority refrain themselves from getting involved in impermissible uses of social networking.

In addition to the above impermissible uses, there are other serious harms of social networking sites - as you have correctly mentioned in your inquiry - such as the following:

Using status messages for impermissible things: An enormous amount of time is wasted by users in reading the status messages of their friends. In addition, revealing information about one's personal activities allows others to make obscene comments, cyberstalk and spy on you. A number of documented incidents as noted later in this article prove that such harassment is increasing at an alarming rate on social networking sites.

What is the point of updating your status – when there are so many inherent risks to your person and reputation in doing so?

Posting photos on social networking sites: Many users add photos of themselves as icons and also upload and share photos of themselves while going about their day, or events they attend and so on.

The position of the Darul Iftaa is that it is not permissible to have digital photos of yourself, male or female on such sites. This impermissibility of photos is further exacerbated when they include pictures of women due to numerous negatives:

a.) It allows mischievous people the ability to anonymously write obscene comments, cyber-stalk, and harass women. This is not hearsay or a mere conjecture. There have been a number of incidents where obscene comments have even driven some young women to take their own lives as well.

b.) According to numerous references, these photos are also photo-shopped and modified to put them in embarrassing and compromising situations. Would any decent person, male or female, want such pictures of them circulating online?

c.) The increasing prevalence of such online harassment has led to laws by even secular governments to punish such behavior. An example of this is the law in India, governed by the Information Technology Act, Section 67 which prohibits and punishes such actions.

d.) In fact, one book mentions a 17 year old Muslim girl who wears hijab, had her and her sister's photo taken from her page and put on naked bodies in an effort to ridicule and harass her.

It is clear from the evidence cited above that in addition to being impermissible, it is not in the best interest of anyone to post their photos online. It is inconceivable that anyone, much less a Muslim, would want their photos to be cropped, photoshopped and displayed in obscene ways or ridiculed.

من عمل عملاً ليس عليه أمرنا فهو ردّ [i]
صحيح مسلم، الرقم: ٨١٧١
من تشبه يقوم فهو منهم [ii]
سنن أبي داود، الرقم: ١٣٠٤

[iii] Hindustan Times, (September 2nd, 2012)

[iv] Stephens, Kay. Cyberslammed: Understand, Prevent, Combat and Transform The Most Common Cyberbullying Tactics. (sMashup Press, 2012), pg. 48

[v] Hile, Lorie. Bullying (Teen Issues). (Heinemann-Raintree, 2012), pg. 15

[vi] Shariff, Shaheen. Cyber-Bullying: Issues and Solutions for the School, the Classroom and the Home. (Routledge, 2008), pg. 64

[vii] Clark, Schofield Lynn. The Parent App: Understanding Families in the Digital Age. (Oxford University Press, 2013), pgs. 108-109

PARENTS OR MARRIAGE?

Q: I have read a lot of questions and their answers but do not understand the answers. It concerns those complaining about their parents, some are willing to marry but parents oppose and others want to study ilm in a darul uloom (which is also a better environment to live instead of hearing tv all day/night) but parents oppose. The replies which were given dealt only with the high status of parents in islam and the virtues of either ilm or nikah in their respective cases. But the answer/fatwa doesn't really inform the person in dilemma what to do. I also want to add an anecdote which can be found in fazail e sadaqat about the story of "Al sabti bin Haroun Ar Rashid" (ra). He left his father as his father was getting inclined towards the dunya. And it is not a sin. My question is, today, most houses have TV, families enter, no parda, invitation to mixed gatherings etc... living a pious life, adopting taqwaa is challenging. The pressure comes from the irreligious family.

A: The question you ask is indeed an important issue for many young Muslims of today. However, the dynamics of a person facing this dilemma from a Shar'ī perspective does not permit issuing a single ruling.

In principle, a Muslim is bound to obey his parents and give due consideration to their advice as long as it does not lead him to sin. Rasūlullāh (sallAllāhu 'alayhi wasallam) said:

لا طاعة لمخلوق في معصية الله

"There is no obedience to creation in the disobedience to Allah."
With regards to non-Muslim parents, Allah Ta'ālā says:

إِنْ جَاهَدَاكَ عَلَى أَنْ تُشْرِكَ بِي مَا لَيْسَ لَكَ بِهِ عِلْمٌ فَلَا تُطِعْهُمَا وَصَاحِبُهُمَا فِي الدُّنْيَا مَعْرُوفًا

“If they put pressure on you to associate with Me that of which you have no knowledge, do not obey them. Yet, keep their company in the world in kindness.” (Qur’an, 31:15)

A person who is faced with the dilemma you refer to has to assess his situation:

Is his parents’ hindrance to his marriage leading him to sin and disobedience? Is not leaving his home for a Dārul ‘Ulūm or its equivalent leading to sin?

If a person can delay the marriage on his parents request without any fear of falling into temptation and sin, he must give due consideration to his parents’ advice and make a collective decision with them. If, on the other hand, he knows he will not be able to save himself from sin if he did not get married, it will be necessary for him in this case to disregard his parents’ advice and marry. Obviously, this will only be after exhausting all avenues to avoid sin, like fasting continuously. Similarly, if a person is in a situation that while observing his parents’ guidance and advice on whether to attend a Dārul ‘Ulūm or not, he can stay safe from sins, he must negotiate the decision with his parents, giving due consideration to their advice. But if he strongly feels that he cannot avoid sins, like the ones you referred to in your question, without attending an institution like a Dārul ‘Ulūm, he will have to act upon this feeling and attend the institution. This is a broad outline of a complex and multidimensional issue. It is important for a young person to have connection with learned scholars and shuyūkh who he can confide in and whose advice on such issues he can trust. Only in this way can he be equipped to make the right decision in how best to deal with his parents in such situations and on what route to take.

LISTEN TO MY MOTHER OF FATHER?

Q: What do I do if my mom wants me to do something and my dad has ordered me not too?

A : At the outset, it is important to understand that Allah Ta'ālā has ordered to us to respect both parents at all times: He the Almighty says in the Holy Quran:

وَقَضَىٰ رَبُّكَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ وَبِالْوَالِدَيْنِ إِحْسَانًا ۚ إِنَّمَا يُبَلِّغُنَّ عَنْكَ الْكِبَرُ ۖ أَحَدُهُمَا أَوْ كِلَاهُمَا فَلَا تَقُلْ لَهُمَا أُفٍّ وَلَا تَنْهَرُهُمَا وَقُلْ لَهُمَا قَوْلًا كَرِيمًا (32) وَاخْفِضْ لَهُمَا جَنَاحَ الذُّلِّ مِنَ الرَّحْمَةِ وَقُلْ رَبِّ ارْحَمْهُمَا كَمَا رَبَّيْتَانِي صَغِيرًا

And your Lord has decreed that you worship none but Him and do good to parents. If either of them or both reach old age, do not say to them ‘uff’ (a word of anger or contempt) and do not scold them. And address them with respectful words, and submit yourself before them in humility out of compassion and say, “My Lord, be merciful to them as they have brought me up in my childhood.” [Al-Quran, Surah Al-Isrā, 23-24]

As such, in these situations it is best to first make an attempt to reconcile and find a middle path that would please both parents instead of foregoing the request of one for the sake of the other. If you are unable to do so, then you must follow the decision of your father while maintaining the respect of your mother as well.

The Holy Prophet (sallallahu ‘alaihi wa sallam) greatly stressed the importance of giving respect to one’s mother and maintaining good ties with her. Consider the following hadīth:

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: يَا رَسُولَ اللَّهِ، مَنْ أَحَقُّ النَّاسِ بِحَسَنِ صَحَابَتِي؟ قَالَ: «أُمُّكَ» قَالَ: ثُمَّ مَنْ؟ قَالَ: «ثُمَّ أُمُّكَ» قَالَ: ثُمَّ مَنْ؟ قَالَ: «ثُمَّ أَبُوكَ»

Abu Hurairah (radiyallahu ‘anhu) narrates: A man came to Allah’s Messenger and said, “O Allah’s Messenger ! Who is more entitled to be treated with the best companionship by me?” The Prophet said, “Your mother.” The man said, “Who is next?” The Prophet said, “Your mother.” The man further said, “Who is next?” The Prophet said, “Your mother.” The man asked for the fourth time, “Who is next?” The Prophet said, “Your father. “

If you are faced with a situation where your mother will be displeased by your decision to obey your father’s request, then you must kindly engage her and never retort to any comments she might make in the state of displeasure. If she shows her disapproval by directly approaching you then you should observe patience and listen to her intently.

It is important to note that this is only the case in regards to situations where the requests made by your parents do not contradict the commands of Shari’ah. If either of them ask you to do something that will require you to break the laws of Shari’ah, then it is incumbent on you to deny such a request in a polite and respectful manner. May Allah Ta’ālā keep you steadfast on this Deen and grant you and your parents success in this life and the hereafter.

Fatawa Haqqaniyyah, vol. 2, pg. 448, Jami’ah Darul ‘Uloom Haqqaniyyah

Fatawa Mahmudiyyah, vol. 19, pg. 39, Darul Iftaa Jami’ah Faruqiyyah

Imdadul Fatawa, vol. 4, pg. 370, Maktabah Darul ‘Uloom

Sahih al-Bukhari, 5971, The Book Of Manners

Fatawa Mahmudiyyah, vol. 19, pg. 39, Darul Iftaa Jami’ah Faruqiyyah

COLLEGE GUIDELINES

Q: Living in a modern environment where one goes to college and must interact with other genders, what are some guidelines for these interactions? Specifically, is it allowed for one to directly look at the face (or eyes) of a non-mahram woman while talking to that person? Especially this problem can occur if one has a college professor who is a female and it is seen as bad if one does not make eye contact while talking. If that is not allowed, does one have to look down while a non-mahram is talking to that person? Also, is it allowed for one to email or text (etc) their female professor if it relates only to work? Please provide some guidance.

A: It is common knowledge how difficult it is for one to protect his Īmān in the college and university environment. With the co-ed system, it is very difficult for one to abide by the laws of Shari'ah and there is great fear of one falling into fitnah. A Muslim's Īmān demands that he should not put himself in a situation where committing sins is highly probable, just as the intellect demands that a person should put himself in a situation where physical harm is highly probable.

Shari'ah knows our vulnerability while being in an environment saturated with such fitnah. Let alone interacting with the opposite gender, the mere presence of a Muslim in such an environment may be detrimental to his Īmān. That is why Shari'ah has taken a harsh stance with regards to interacting and dealing with the opposite gender. It aims to tackle the problem from the root. Although acquiring education is important for Muslims, it should not be done at the expense of the teachings of Islam. Whilst one's intentions of acquiring knowledge may be noble, it should always be remembered that the commandments of Shari'ah hold precedence over everything

else. One may be studying with the intention of serving the Muslim community, hence gaining huge rewards. However, if in doing so, if he is compromising the dictates of Shari'ah, then there is no good in studying in such a manner.

Due to the evident fact that no co-ed institutions are free from open violation of Shari'ah and they are breeding grounds of fitnah, there is high chance that one would fall into some kind of fitnah or violation of Shari'ah. Therefore, it would be advisable for one to study in a boys only college/university. If such an option is not available, then you should try to undertake your studies through correspondence.

If one has no alternative but to study in a coeducation institute, he is certain that he has the firmness and resolve to stay away from harām in such a place, he fully understands the teachings of Islam regarding interacting with the opposite gender and is also aware of the dangers of studying at such a place, then only will it be permissible for him to study at such a place. He should, however, at all times be firm and particular about the teachings of Islam and he should be constantly aware and vigilant lest Shaytān tricks and misleads him.

Allah, the Almighty, commands the Believers to lower their gaze. He says:

قُلْ لِلْمُؤْمِنِينَ بَغْضُوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ (03)

“Tell the believing men to lower their gaze, and protect their private parts. That is purer for them. Verily, Allāh is All-Aware of what they do.” (Quran 24:30)

“And do not go close to adultery; surely it is an indecency and an evil way.” (Quran 17:32).

Usāmah ibn Zaid Radiyallāhu ‘Anhu narrates that the Rasulullāh Sal-

lallāhu ‘Alayhi Wa Sallam said, “I have not left behind any trial more harmful to men than women.”

Jarīr Ibn Abdillāh Radiyallāhu ‘Anhu said: I asked Rasulullāh Sallallāhu ‘Alayhi Wa Sallam about unintentional glance (at non-related women). Rasulullāh Sallallāhu ‘Alayhi Wa Sallam commanded me to turn away my eyes.

Buraidah Radiyallāhu ‘Anhu says that Rasulullāh Sallallāhu ‘Alayhi Wa Sallam said to Alī Radiyallāhu ‘Anhu: ‘O Alī! Do not cast a successive glance after the first (unintentional) glance. Because for you is (forgiven the sin of) the first glance and not the second.’

Abu Umamah Radiyallāhu ‘Anhu narrates that Rasulullāh Sallallāhu ‘Alayhi Wa Sallam said: ‘No Muslim (unintentionally) sees the beauty of a woman the first time then lowers his gaze except that Allāh will bless him with such worship that he will find its sweetness.’

Abū Hurairah Radiyallāhu ‘Anhu narrates that the Rasulullāh Sallallāhu ‘Alayhi Wa Sallam said, “Allāh has written for each limb its share of adultery (zinā). The eye commits adultery and its adultery is by looking (at harām). The tongue commits adultery and its adultery is by speaking (harām). The hands commit adultery and its adultery is by touching (what is harām). The foot commits adultery and its adultery is by walking (towards harām). The ear commits adultery and its adultery is by listening (to harām). The private part either accepts it or rejects it.” (Mushkil-ul-Āthār, hadith: 2283)

The abovementioned verses and Ahādīth suggest that lowering the gaze helps one to protect his/her chastity and that not controlling one's gaze becomes the means of one falling into adultery and fornication. This is also aggravated by the way women dress nowadays and the unrestrained, preying eyes of men that fall on them.

In light of this, the fuqahaa state that it is not permissible to look

at any part of a ghair mahram female, whether she is a Muslim or a disbeliever. One is also not allowed to speak to females except in dire necessity. Therefore, should confine his interaction with female professors to necessity only. You should keep your gaze away from her. If there is a need for conversation, keep the conversation formal, restrained, restricted to the topic and limited to the extent of need.

Similarly, it is forbidden for a man and a woman to interact with each other in an informal way, by talking freely and casually, joking around, being flirtatious in the conversation etc. In Surah al-Ahzab (v: 32), Allah Most High commands the wives of the Messenger of Allah (Allah's blessings and peace be upon him) in particular, and all Muslim women in general, to abstain from conversing with non-Mahram men in a soft and sweet tone. As such, when the need arises to talk, both the content and manner of conversation must be appropriate and free of anything enticing. The dialogue must be in a modest and restrained manner, and limited to the extent of need.

Mishkaat pg. 268 (Qadeemi)

Mishkaat pg. 269 (Qadeemi)

Mishkaat pg. 270 (Qadeemi)

الدر المختار (6/ 73)

(قَوْلُهُ خَافَ الشَّهْوَةَ) أَوْ شَكَّ (اِمْتَنَعَ نَظْرُهُ إِلَى وَجْهِهَا) فَجَلَّ النَّظْرُ مُتَمَيِّدٌ يَغْدِمُ الشَّهْوَةَ وَإِلَّا فَحَرَامٌ وَهَذَا فِي زَمَانِنَا قَدْ نَفَعَ مِنَ الشَّائِبَةِ فَهَسَانِيٌّ وَقَبِيحٌ

وفي حاشية ابن عابدين (رد المحتار)

(قَوْلُهُ مُتَمَيِّدٌ يَغْدِمُ الشَّهْوَةَ) قَالَ فِي التَّنَازُعَاتِ، وَفِي شَرْحِ الْكَرَّخِيِّ النَّظْرُ إِلَى وَجْهِهِ الْأَخْفِيَّةِ الْخَيْرُ لَيْسَ بِحَرَامٍ، وَلَكِنَّهُ يُكْرَهُ لِغَيْرِ حَاجَةٍ إِهْوَاطِ الْكَرَاهَةِ وَلَوْ يَلَا شَهْوَةَ (قَوْلُهُ وَإِلَّا فَحَرَامٌ) أَيُّ إِنْ كَانَ عَنْ شَهْوَةٍ حَرَمَ (قَوْلُهُ) وَأَمَّا فِي زَمَانِنَا فَسَيِّئٌ مِنَ الشَّائِبَةِ لَا لِأَنَّهُ عَوْرَةٌ بَلْ لِتَقْوَى الْفِتْنَةِ كَمَا قَدْ أُمِّدَ فِي شُرُوطِ الصَّلَاةِ

IS IT PERMISSIBLE TO SUPPORT SPORTS TEAMS?

Q: Is supporting any sports teams or clubs is allowed in Islam? By supporting, I mean like being a diehard fan.

A: In today's society, following professional sports and supporting a team has become an obsession and craze. For the vast majority of people, it has become a vital element of life.

In terms of Shari'ah, there are many evils associated with following professional sports. The harms are exemplified to a greater degree when one passionately supports a particular team. Some of the evils are listed below:

- **Love for one's team:** The love for one's team becomes entrenched in the heart. This is totally against the temperament of Shari'ah. The heart is created by Allāh to entertain only the love of Allāh and His Rasūl Sallallāhu Alaihi Wa Sallam. The enrooted love for one's team deprives him from attaining the recognition and love of Allāh. The love of Qurān and everything associated with Dīn also leaves the heart.
- **Mad obsession and distraction:** The love for one's team blinds the diehard fan and supporter from everything else besides sports. Rasūlullāh Sallallāhu Alaihi Wa Sallam has stated:

حُبُّكَ الشَّيْءَ يُعْمِي وَيُصِمُّ (سنن أبي داود، بَابُ فِي الْهَوَى)

The love of something blinds and deafens the lover. (Sunan Abī Dāwūd)

This is extremely detrimental and destructive to one's Dīn. Many a times, the love of one's team takes him away from performing Salāh and going to the Masjid, especially when one is engrossed in watching a live match.

- **Love for players:** When one supports a team, the players become his idols and heroes. He tries to imitate their lifestyle and yearns to be like them. Many a times, these players are Kuffār (disbelievers) and Fussāq (shameless sinners) involved in alcohol, drugs, and women. Imagine the effect on a person whose role-models are sinking in the disobedience of Allāh! A Muslim is one who follows the beautiful teachings of Rasūlullāh Sallallāhu Alaihi Wa Sallam and not a player whose actions invite the wrath of Allāh.
- **Nationalism:** Fans develop a deep love for their national team. As a result, the fans are affected by patriotism. A type of hatred and spite is created for people of other nationalities. The media creates a patriotic atmosphere and induces malice between nations. This type of attitude is totally against Sharīah.
- **Music:** The love for one's team drives him to watch his team perform. During the game, loud music is played in support of the national team. Music is poison for the heart. It penetrates the heart and causes hypocrisy to form within.
- **Waste of time:** One's valuable and precious time is wasted in following the stats of one's team and watching one's team perform. Life is bestowed by Allāh Ta'ālā to utilize in recognizing and obeying Allāh Ta'ālā. There is neither worldly benefit nor religious benefit in supporting a team.

Hence, due to the above-mentioned reasons, it is not allowed for one to support a professional team.

In conclusion, a Muslim is one who develops the love of Allāh within his heart. His living and dying is only for Allāh. He does not waste his time and life in insignificant pursuits such as following professional sports and supporting a team.

ISLAM AND SPORT (Published by: Madrasah Arabia Islamia Azaadville-South Africa), Pg. 69)

WHO WAS IBN KATHIR (RAHIMAHULLAH)?

Q: I want to ask how reliable is as Sirah an Nabawiyya by Ibn Kathir, and a background on who was Ibn Kathir and what Manhaj did he follow? Was he a Hanafi?

A: Ibn Kathir's full name is Abu Al-Fidaa ibn Abi Hafs Shihabud-Din Omar ibn Kathir. He was born in the year 701 AH in the city of Busra. He moved to Damascus in the year 706AH. Ibn Kathir learned Fiqh from Burhaan Ud-Deen Ibrahim ibn Abdul-Rahman, learned Hadith from Isa ibn Mut'im.

In Ad-Durar Al-Kaminah, Al-Hafiz Ibn Hajar AlAsqalani said, "Ibn Kathir worked on the subject of the Hadith in the texts and chains of narrators .He had a good memory, his books became popular during his lifetime, and people benefited from them after his death."

Ibn Kathir had immense knowledge in the field of Hadith, Tafsir and Fiqh. He gave Islamic verdict (Fatwas) and taught until he died. He was known for his precision and vast knowledge, and as a scholar of History, Hadith and Tafsir.

Ibn Kathir will be remembered by his famous books Bidaya Anihaya, Tafsir Ibn Kathir, Tabqaat Ashafi'ah, Musnad Ul-Faaruuq, Sira Al-Nabawiyya and Jami Ul-Masaneed.

Allamah Ibn Kathir became blind in his life and passed away on Thursday 26 of Sha'baan of the year 774 AH in Damascus. The book Sirah Nabawiyah by Ibn Kathir is reliable.

PROPHET AYUB (ALAYHI SALAAM)

Q: What is the Dua of Ayub (Alayhi Salam) and what was his story of hardship that mentioned in Quran? Can we read same Dua?

A: Ayub (Alayhi Salam) was the prophet of Allah during the era between Musa and Yaqub (Alayhimus Salam) which was between 1300-1500 B.C. Some scholars are of the opinion that he was originally Roman from the bloodline of Ibrahim (Alayhi Salam) whilst others say he was an Arab. It is also mentioned that his mother was the daughter of Lut (Alayhi Salam). Allah Taala blessed him with abundant wealth land, livestock, slaves and many children etc. Allah tested Ayub (Alayhi Salam) by taking away everything he had to such an extent that even his health was taken away from him. Historians and commentators write that not a single limb of Ayub (Alayhi Salam) was safe from disease except his tongue and his heart through which he would remember Allah Taala.

Difficulties worsened to such an extent that people cut their ties with him due to his illness and had him expelled from the city to a place outside the city. The only person that was there to support him was his wife, Rahmah bint Ifrahim.

Despite all the difficulties, Ayub (Alayhi Salam) was patient, persevering, and grateful. He was also constantly engrossed in the remembrance of Allah Taala day and night. It was after years of forbearance and difficulty that Ayub (Alayhi Salams) wife told him “oh Ayub why don’t you ask Allah to help you”. He replied “I lived for seventy years in prosperity why shouldn’t I be patient for the sake of Allah for seventy years.” It was after this that Ayub (Alayhi Salam) made the following dua which is in the Quraan:

وَأَيُّوبَ إِذْ نَادَىٰ رَبَّهُ أَنِّي مَسَّنِيَ الضُّرُّ وَأَنْتَ أَرْحَمُ الرَّاحِمِينَ

And when Ayub (Alayhi Salam) prayed to his Rabb saying, “Difficulty has certainly afflicted me and You are the Most Merciful of those who show mercy”. (Surah Ambiya-83)

Allah Taala mentions in the Quraan how Ayub (Alayhi Salam) was healed:

اِرْكُضْ بِرِجْلِكَ هَذَا مُغْتَسَلٌ بَارِدٌ وَشَرَابٌ

(Allah Taala said) Strike your foot on the ground (Allah Taala caused a spring to gush out) This is cool water for bathing and drinking (after which you will be cured) (Surah Saad-42)
Allah Taala then mentions:

وَوَهَبْنَا لَهُ أَهْلَهُ وَمِثْلَهُمْ مَعَهُمْ رَحْمَةً مِنَّا وَذِكْرَىٰ لِدُولِي الْأَلْبَابِ

(After curing him) We gifted him with his family and as many of them in addition (twice as many) As a mercy from Us and a reminder for the people of intelligence (to remind them that Allah rewards the patient ones and restores their losses.)(Surah Saad-43)

Lessons from the story of Ayub (Alayhi Salam):

- a. Allah tests those that are close to him to elevate their ranks.
 - b. It is easy to thank Allah Taala in the state of prosperity, but praising and remembering Allah during difficulties and accepting his decree is most beloved to Allah and draws his mercy.
 - c. No matter the situation, one should never be despondent of the mercy of Allah.
 - d. Being thankful and humble during prosperity and being steadfast and patient during difficulty are two great bounties a person can have and inculcate.
2. It is advisable to recite the dua of Ayub (Alayhi Salam) when faced with difficulties.

قصص القرآن مولانا حفظ الرحمان سهاروی ص 755 دار الفشاعت [1]

[2] عن أبي عبيدة بن حذيفة، عن عمته، قالت: أصاب رسول الله صلى الله عليه وسلم حمى شديدة فأمر بسقاء فعلق بشجرة ثم اضطجع تحته فجعل يقطر على فؤاده قال: «إن أشد الناس بلاء الأنبياء، ثم الأمثل فالأمثل (النسائي-0447)

عن عائشة رضي الله عنها، قالت: «ما رأيت أحدا أشد عليه الوجع من رسول الله صلى الله عليه وسلم» (بخاري-6465)

إِنَّا وَجَدْنَاهُ ضَالًّا يُدْعَى الْقَتْلُ لَهُ أَثَابٌ (سورة ص-44) [3]

البداية و النهاية ص 262 دار ابن كثير [4]

[5] قصص القرآن مولانا حفظ الرحمان سهاروی ص 665 دار الفشاعت

THA‘LABAH IBN HĀTIB (RADIALLĀHU ‘ANHU)

Q: In Mufti shafis RA commentary Ma`riful quran in surah tawbah, commenting on verse 75-78, He mentions an incident involving a person called Thalabah ibn hatib Ansari and mentions he was declared a hypocrite. <http://mawdu.wordpress.com/2012/04/08/hadith-sahabi-sahaba-thalaba-pigeon-mosque/>

Now on this link, it mentions why this story revolving around this person who was in fact a Sahabi is extremely weak or a fabrication and scholars like sheikh Abul Fattah abu ghudaa conclude that the story is sick and has no basis whatsoever and others like imam qurtubi say this story is not reliable and imam hajar asqalani says that its weak to the extent that it cannot be used as evidence. Could you dig deeper and tell me whether this story is true or not and if not true, then should the incident be taken out of Ma`riful quran.

A: Note from Hazrat Mufti Ebrahim Desai Sāheb (Hafidhahullah)
The spurious views of the Shī‘ah regarding the Sahābah are well-known. Some may even quote the books of our Akabireen to prove their point. This article removes the misconception that some verses in Sūrah Tawbah refer to Tha‘labah ibn Hātib Radiallāhu ‘Anhu and that he was a Munāfiq. It makes for an interesting read for students of tafsīr.

Allāh Ta‘ālā says in the Qur‘ān:

وَمِنْهُمْ مَّنْ عَاهَدَ اللَّهَ لَئِنْ آتَانَا مِنْ فَضْلِهِ لَنَصَّدَّقَنَّ وَلَنَكُونُ مِنَ الصَّالِحِينَ فَلَمَّا آتَاهُمْ مِّنْ فَضْلِهِ بَخِلُوا بِهِ وَتَوَلَّوْا
وَهُمْ مُّعْرِضُونَ فَأَعْقَبَهُمْ نِفَاقًا فِي قُلُوبِهِمْ إِلَى يَوْمِ يَلْقَوْنَهُ بِمَا أَخْلَفُوا اللَّهَ مَا وَعَدُوهُ وَهُمْ كَانُوا يَكْذِبُونَ

“And amongst them is he who made a covenant with Allah: If He give us of His bounty, we will give in charity and become of the righteous. Yet, when He gave them of His bounty, they hoarded it and turned away, averse. So He made their fate to be hypocrisy in their hearts until the day when they shall meet Him, because they broke their word to Allah that they promised Him, and because they lied.” (9:75-7)

These verses speak of one or more of the Munāfiqīn who promised that if Allāh gives them wealth, they will spend of it in His path. However, when wealth was bestowed on them, they did not do as they had promised. Instead they were miserly and turned away from Allāh’s obedience. Hence, Allāh sealed their fate as Munāfiqīn.

A popular account states that these verses refer to Tha‘labah ibn Hātīb. This attribution to Tha‘labah is narrated only from ‘Abdullāh bn ‘Abbās and Abū Umāmah al-Bāhili (radiyAllāhu ‘anhum) from the Sahābah; and from al-Hasan al-Basrī from the Tābi‘īn. The report from Abū Umāmah al-Bāhili (radiyAllāhu ‘anhu) contains a detailed narrative. The following is a brief analysis of the authenticity of these three reports.

The first report from Ibn ‘Abbās is narrated by Ibn Jarīr al-Tabarī , Ibn Abi Hātim , Ibn Mardawayh and al-Bayhaqī . It states that Ibn ‘Abbās said in explanation of the abovementioned verses: “A man called Tha‘labah ibn Hātīb from the Ansār attended a gathering and made them bear witness saying, ‘If Allāh gives me from His bounty I will give of it to every person holding a right [over me] his due and I will give of it in charity and I will maintain blood relations by means of it.’ Thus Allāh tried Him from His bounty, whereupon he reneged on his promise and angered Allāh for going back on his word. Thus, Allāh related his story in the Qur’ān.”

This report from Ibn ‘Abbās (radiyAllāhu ‘anhumā) is narrated only via the following chain:

1. Muhammad ibn Sa’d ibn Muhammad ibn al-Hasan ibn ‘Atiyyah ibn Sa’d ibn Junādah Abū Ja’far al-‘Awfī (d. 276 H) from:
2. His father, Sa’d ibn Muhammad al-‘Awfī from:
3. His uncle, Al-Husayn ibn al-Hasan ibn ‘Atiyyah Abū ‘Abdillāh al-‘Awfī (d. 201 H) from:
4. His father, Al-Hasan ibn ‘Atiyyah al-‘Awfī (d. 181 H) from:
5. His father, ‘Atiyyah ibn Sa’d ibn Junādah al-‘Awfī (d. 111 H) from:
6. Ibn ‘Abbās (d. 68)

This is a chain from a family of ‘Awfīs, and every one of them has been criticised for his transmission of hadīth, some more than others. Hence, al-Khatīb al-Baghdādī said Muhammad ibn Sa’d is “weak” (layyin) in hadīth, although al-Dāraqutnī regarded him as “unproblematic”. Regarding his father, Sa’d ibn Muhammad, Imām Ahmad said: “Jahmī, and even if it was not so, he is still not worthy of being written from and he was not of that position.”

The next narrator, al-Husayn ibn al-Hasan al-‘Awfī, was “weak in judgement and weak in hadīth” according to Yahyā ibn Ma’in. His father, al-Hasan ibn ‘Atiyyah, was also considered “weak in hadīth” by Abū Hātim al-Rāzī; and Ibn Hibbān said: “Disreputable in hadīth...It is necessary to completely disregard him.”

And the final narrator, ‘Atiyyah ibn Sa’d, was regarded as “weak in hadīth” by Ahmad ibn Hanbal, as well as Abū Zur‘ah al-Rāzī, Abū

Hātim al-Rāzī, al-Nasā'ī and others. Hence, this chain is “da‘if jiddan” or “extremely weak.”

The second report from Abū Umāmah al-Bāhili offers a full narrative as follows:

“Tha‘labah ibn Hātib said to the Messenger of Allāh (sallallāhu ‘alayhi wasallam): “Pray to Allāh to grant me wealth.” The Messenger of Allāh (sallallāhu ‘alayhi wasallam) said: “Woe to you, O Tha‘labah!

A small amount of which its thanks is discharged is better than a large amount which you cannot bear.” He again said: “Pray to Allāh to grant me wealth.” He said: “Are you not satisfied that you will be like a prophet of Allāh? By the One in Whose hand is my soul, had I wished that the mountains move with me as gold and silver, they would surely move [with me as such].” He said: “By the One Who sent you with the truth, if you pray to Allāh to grant me wealth, I will surely give every person holding a right [over me] his due.” The Messenger of Allāh (sallallāhu ‘alayhi wasallam) said: “O Allāh, grant Tha‘labah wealth.”

Thus, he acquired some sheep, and they proliferated just as worms proliferate, until Madīnah became too restrictive for him, so he moved away from it and settled in one of its valleys. Consequently, he prayed only Zuhr and ‘Asr in congregation and left the rest of them. Then, they proliferated and became numerous so he moved away until he left all salāhs except Jumuah. They proliferated just as worms proliferate until he left Jumu‘ah too. He began to receive the caravans on Friday asking them the news. The Messenger of Allāh (sallallāhu ‘alayhi wasallam) said: “What happened to Tha‘labah?” They said: “O Messenger of Allāh, he acquired some sheep, and Madīnah became too restrictive for him,” and they informed him of his affair. He said: “Woe to Tha‘labah, woe to Tha‘labah, woe to

Tha‘labah.” Further, Allāh revealed: “Take Zakāt from their wealth, whereby you may purify them and make them clean.” (9:103) The obligations of Zakāt were revealed, so the Messenger of Allāh (sallallāhu ‘alayhi wasallam) dispatched two men to [collect] Zakāt, a man from Juhaynah and a man from Sulaym. He wrote to them how to collect the Zakāt from the Muslims. He said to them: “Pass by Tha‘labah and by so-and-so – a man from Banū Sulaym – and collect their Zakāt.” Thus they left until they arrived at Tha‘labah and asked him for Zakāt and recited to him the letter of the Messenger of Allāh (sallallāhu ‘alayhi wasallam). He said: “This is nothing besides tax! This is nothing besides the sister of tax! I know not what this is! Proceed until you complete [your task] and then come back to me.”

Thus they proceeded and the Sulamī heard of them, so he inspected the best of his camels and put them aside for Zakāt. Then he met them with these [camels]. When they saw them, they said: “This is not incumbent on you and we do not wish to take this from you.” He said: “Indeed, take it, as my heart is content with this, and it is only for me.” They took them from him.

When they finished from their Zakāt [collection], they returned and passed by Tha‘labah. He said: “Show me your letter.” He looked at it and he said: “This is nothing but the sister of tax! Proceed so that I can apply my mind.” They proceeded until they came to the Prophet (sallallāhu ‘alayhi wasallam) and when he saw them he said: “Woe to Tha‘labah” before he spoke to them and he prayed for blessing for the Sulamī. They informed him of what Tha‘labah did and what the Sulamī did. Thus, Allāh (Gloried and Exalted is He) sent down: “And amongst them is he who made a covenant with Allah: If He give us of His bounty, we will give in charity and become of the righteous. Yet, when He gave them of His bounty, they hoarded it and turned away, averse. So He made their fate to be hypocrisy in their hearts until the day when they shall meet Him, because they broke their word to

Allah that they promised Him, and because they lied” (9:75-8)
 There was a man from the relatives of Thalabah in the presence of the Messenger of Allāh (sallallāhu ‘alayhi wasallam) who heard this. He left until he came to him and said: “Woe to you, O Tha‘labah. Allāh has revealed such-and-such about you!” Tha‘labah went out until he came to the Prophet (sallallāhu ‘alayhi wasallam) and asked him to accept the Zakāt from him. He replied: “Allāh has prohibited me from accepting your Zakāt.” He began to throw dust on his head. The Messenger of Allāh (sallallāhu ‘alayhi wasallam) said: “This is your doing! I gave you an order and you did not follow it!”

When the Messenger of Allāh (sallallāhu ‘alayhi wasallam) refused to accept [his Zakāt], he returned to his house. The Messenger of Allāh (sallallāhu ‘alayhi wasallam) passed away and he did not accept anything from him. Then he came to Abū Bakr when he was appointed caliph and said: “You know my position in relation to the Messenger of Allāh and my place amongst the Ansār, so accept my Zakāt.” Abū Bakr said: “The Messenger of Allāh (sallallāhu ‘alayhi wasallam) did not accept it, and I accept it?!” Thus Abū Bakr passed away not accepting it. When ‘Umar took charge, he came to him and said: “O Commander of the Believers, accept my Zakāt.” He said: “Neither the Messenger of Allāh nor Abū Bakr accepted it from you, so I will not accept it from you.” Thus he passed away and did not accept it.

Then ‘Uthmān took charge, and he came to him asking him to accept his Zakāt. He said: “Neither the Messenger of Allāh, nor Abū Bakr, nor ‘Umar accepted it, and I will not accept it from you.” He did not accept it from him. Tha‘labah perished in the caliphate of ‘Uthmān.” This lengthy report from Abū Umāmah was transmitted by Ibn Jarīr , Ibn Abī Hātim , al-Tabrānī , Abū Nu‘aym , al-Bayhaqī , al-Wāhidī and al-Baghawī amongst others , and the chains of transmission of all of them meet at the following:

1. Mu'ān ibn Rifā'ah from:
2. 'Alī ibn Yazīd from:
3. Al-Qāsim ibn 'Abd al-Rahmān from:
4. Abū Umāmah

The first two narrators have been criticised. Mu'ān ibn Rifā'ah was regarded as trustworthy by 'Alī ibn al-Madīnī and Duhaym , and “unproblematic” by Ahmad and Abū Dāwūd , while the majority have considered him weak . 'Alī ibn Yazīd was considered a rejected narrator (matrūk), as stated by al-Dāraqutnī, al-Nasā'ī and others. Al-Bukhārī said he is “munkar” which in his usage means it is not permissible to narrate his hadīths . Ibn Hibbān said: “Extremely disreputable in hadīth...It is necessary to stay clear of his narrations.” This renders the narration extremely weak. Thus, Ibn Hajar al-'Asqalānī said: “This is an extremely weak chain.”

The third report from al-Hasan al-Basrī (d. 110) states that he said: “Those who took a covenant with Allāh amongst them are: Tha'labah ibn Hātib and Mu'attib ibn Qushayr, and they were from the Banū 'Amr ibn 'Awf.” This report is narrated by Ibn Jarīr al-Tabarī through the following route:

1. Muhammad ibn Humayd (168 – 248) from:
2. Salamah ibn al-Fadl al-Rāzī (d. 191) from:
3. Muhammad ibn Ishāq (80 – 150 H) from:
4. 'Amr ibn 'Ubayd (d. 143)

The teacher of al-Tabarī, Muhammad ibn Humayd, was known to add chains of transmission to texts of hadīth. He is widely regarded as unreliable . His teacher, Salamah, was also considered weak by some. 'Amr ibn 'Ubayd (d. 143 H) was a famous Mu'tazilī preacher who a large group accused of lying and forging reports despite his outward piety and worship. Yūnus ibn 'Ubayd (d. 140 H) said: “He

would tell lies in hadīth.” Humayd ibn Abī Humayd (68 – 143 H) said: “Do not take anything from this [person] as he invents lies from al-Hasan.” ‘Abdullāh ibn ‘Awn (d. 151 H) said: “What have we to do with ‘Amr ibn ‘Ubayd?! He would invent lies from al-Hasan.” When informed of a report of his, ‘Awf ibn Abī Jamīlah al-A‘rābī (58 – 146 H) said: “By Allāh ‘Amr lied.” These critics were amongst ‘Amr’s contemporaries and every one of them is a reliable transmitter found in all six of the famous collections of hadīth. Hence, this report cannot be ascribed to al-Hasan al-Basrī (rahimahullāh).

Since these three reports are the only source of this attribution, and their chains of transmission are extremely weak or worse, the verse cannot be said to refer to Tha‘labah ibn Hātib. The principle of two or more weak chains supporting one another only applies to those that are not extremely weak or baseless. When they are extremely weak or baseless, multiple chains do not confer added strength. Hence, the attribution is unacceptable and the narration in question is unsuitable for quotation.

This is further corroborated by its inconsistency with other known details. The most important of these details is that the person in question, Tha‘labah ibn Hātib, was a Sahābī known to have participated in the Battle of Badr. It is not possible for such a great and noble Sahābī to be amongst the Munāfiqīn. There are also other areas of concern in the detailed narrative found in Abū Umāmah’s narration. Thus, Imām al-Dhahabī said: “Tha‘labah ibn Hātib ibn ‘Amr al-Ansārī al-Awsī, a veteran of Badr. He said: ‘O Messenger of Allāh, supplicate to Allāh to grant me wealth,’ and then he mentioned a lengthy hadīth, which is completely rejected.”

Ibn Hazm al-Zāhirī said:

“We narrated an inauthentic narration in which it is mentioned that this [verse] was revealed in regards to Tha‘labah ibn Hātib and this is false because Tha‘labah is a famous veteran of Badr.”

While the narration is unreliable, many famous commentators of the Qur’ān have unfortunately included it in their books of tafsīr, including Fakhr al-Dīn al-Rāzī, Hāfiz Ibn Kathīr and Mahmūd al-Ālūsī, without commenting on its spuriousness. Muftī Muhammad Shafī‘ in his Ma‘ārif al-Qur’ān appears to have relied on these earlier mufasssīrīn without investigating its authenticity. One who finds such reports in books of tafsīr should ascertain with a scholar of hadīth whether they are acceptable for quotation before accepting or quoting them.

With regards to the true background of the verse, Ibn Jarīr al-Tabarī narrates with a sound chain to Qatādah ibn Dī‘āmah (60 – 118 H) that he said: “It was related to us that a man from the Ansār came to a gathering of the Ansār and said that if Allāh gives him wealth he will surely give each person with a right [over him] his due. When Allāh gave him wealth, he acted in it as you have heard.” “Ansār” in this narration is a reference to the people of Madīnah in general, some of whom were Munāfiqīn.

Ibn Jarīr also narrates with an authentic chain to Mujāhid ibn Jabr (19 – 102 H) that the verse is in reference to two men who said to a group of people: “If Allāh gives us provision, we will surely give in charity.” When they were given provision, they became miserly. Hence, the verses are in reference to one or more of the Munāfiqīn who resided in Madīnah. They are not in reference to Tha‘labah ibn Hātib or any other Sahābī.

قال ابن الصلاح: ليس كل ضعف في الحديث يزول بهجيته من وجوه، بل ذلك يتفاوت، فمنه ضعف يزيله ذلك، بأن يكون ضعفه ناشئاً من ضعف حفظ راويه مع كونه من أهل الصدق والدلالة، فإذا رأينا ما رواه قد جاء من وجه آخر عرفنا أنه ما قد حفظه ولم يحتل فيه ضبطه له. وكذلك إذا كان ضعفه من حيث الإرسال زال يحنو ذلك، كما في المرسل الذي يرسله إمام حافظ إذا فيه ضعف قليل يزول بروايته من وجه آخر. ومن ذلك ضعف لا يزول بنحو ذلك لقوة الضعف وتقاعد هذا الجابر عن جبره ومقاومته، وذلك كالضعف الذي ينشأ من كون الراوي متهما بالكذب أو كون الحديث شاذاً. (قال نور الدين العثري في تعليقه: ومثل المثلهم بالكذب من كان شديد الضعف) (مقدمة ابن الصلاح، ص ٤٢)

وإن يكن ضعف الحديث لكذب في رواية أو شذوذ في رواية بأن خالف من هو أحفظ أو أكثر أو قوي الضعف بغيرهما مما يقتضي الرد كتمش الخطأ فلم يجبر إذا أي الضعف بواحد من هذه الأسباب ولو كثرت طرقه (فتح للغيث، مكتبة دار المنهاج، ج ١ ص ٢٦)

ثعلبة بن حاطب بن عمرو الأنصاري الأوسي، بدري. قال: يا رسول الله صلى الله عليه وسلم، ادع الله أن يرزقني مالا فذكر حديثاً طويلاً منكراً مرة (تجريد أسماء الصحابة، دار المعرفة، ج ١ ص ٦٦)

وفيه أنها نزلت في ثعلبة بن حاطب وهذا باطل لأن ثعلبة بدري معروف (للحلي، إدارة الطباعة المنيرية، ج ١١ ص ٧٠٢-٧٠٣)
حدثنا بشر ثنا يزيد قال ثنا سعيد عن قتادة قوله: ومنهم من عهد الله لنا ما فضلنا الآية، ذكر لنا أن رجلاً من الأنصار أتى على مجلس من الأنصار فقال: لأن أكله الله مالا ليؤدين إلى كل ذي حق حقه فأثله الله مالا فصنع ما تسمعون (جامع البيان عن تأويل أي القرآن، ج ١١ ص ٨٥)
حدثني محمد بن عمرو قال: ثنا أبو عاصم قال ثنا عيسى عن ابن أبي نجيح عن مجاهد في قول الله: ومنهم من عهد الله لنا ما فضلنا، قال: رجلاً خرجاً على مالا فهو، فقال: والله لأن رزقنا الله لنصدقن، فلما رزقهم الله بخلوا به. (جامع البيان عن تأويل أي القرآن، ج ١١ ص ٢٨٥) ورواه إسماعيل بن عمارين

NASHEEDS

Q: “Anāshid were created by innovators to distance people away from the Qur`ān.” Imām Shāfi`i,

[مجموع الفتاوى لابن تيمية ٢٣٥/١١]

What are your thoughts on this? Should we avoid listening to modern day Anasheeds?

A: Before answering your query, we shall quote the original text along with the translation for the purpose of clarification:

سُئِلَ شَيْخُ الْإِسْلَام - قَدَّسَ اللَّهُ رُوحَهُ -:

عَنْ جَمَاعَةٍ اجْتَمَعُوا عَلَى أُمُورٍ مُتَنَوِّعَةٍ فِي الْفَسَادِ؛ وَتَعَلَّقَى كُلُّ مِنْهُمْ بِسَبَبٍ؛ وَاسْتَدَّ إِلَى قَوْلٍ قِيلَ: فَمِنْهُمْ مَنْ هُوَ مُكِبٌّ عَلَى حُضُورِ السَّمَاعَاتِ الْمُحَرَّمَةِ الَّتِي تَعْمَلُ بِالذُّفُوفِ الَّتِي بِالْجَلَّاحِلِ وَالشَّبَابَاتِ الْمَعْرُوفَةِ فِي هَذَا الزَّمَانِ. وَيَحْضُرُهَا الْمَرْدَانِ وَالنِّسْوَانِ وَيَسْتَنِدُّ فِي ذَلِكَ إِلَى دَعْوَى جَوَازِ حُضُورِ السَّمَاعِ عِنْدَ الشَّافِعِيِّ وَغَيْرِهِ مِنَ الْأَهْمَةِ. فَأَجَابَ:

أَمَّا السَّمَاعَاتُ الْمُشْتَمِلَةُ عَلَى الْغِنَاءِ وَالصَّفَارَاتِ وَالذُّفُوفِ الْمُصَلِّصَاتِ: فَقَدْ اتَّفَقَ أَهْلُ الدِّينِ أَنَّهَا لَيْسَتْ مِنْ جَنْسِ الْقُرْبِ وَالطَّاعَاتِ بَلْ وَلَوْ لَمْ يَكُنْ عَلَى ذَلِكَ كَالْغِنَاءِ وَالْتَصْفِيقِ بِالنِّدِّ وَالْمُرَبِّ بِالْقُصِيِّ وَالرَّقِصِ وَتَحْوِ ذَلِكَ

فَهَذَا وَإِنْ كَانَ فِيهِ مَا هُوَ مُبَاحٌ وَفِيهِ مَا هُوَ مَكْرُوهٌ وَفِيهِ مَا هُوَ مَحْظُورٌ أَوْ مُبَاحٌ لِلنِّسَاءِ دُونَ الرِّجَالِ. فَلَا نِزَاعَ بَيْنَ أَهْلِ الدِّينِ أَنَّهُ لَيْسَ مِنْ جَنْسِ الْقُرْبِ وَالطَّاعَاتِ وَالْعِبَادَاتِ وَلَمْ يَكُنْ أَحَدٌ مِنَ الصَّحَابَةِ وَالتَّابِعِينَ وَأَهْلِ الدِّينِ وَغَيْرِهِمْ مِنْ مَسَايِخِ الدِّينِ يَحْضُرُونَ مِثْلَ هَذَا السَّمَاعِ لَا بِالْحِجَازِ وَلَا بِمِصْرَ وَلَا الشَّامِ وَلَا الْعِرَاقِ وَلَا خُرَاسَانَ. لَا فِي رَمَنِ الصَّحَابَةِ وَالتَّابِعِينَ وَلَا تَابِعِيهِمْ. لَكِنْ حَدَّثَ بَعْدَ ذَلِكَ: فَكَانَ طَائِفَةٌ يَجْتَمِعُونَ عَلَى ذَلِكَ وَيُسَمُّونَ الضَّرْبَ بِالْقَضِيبِ عَلَى جَلَّالٍ وَتَحْوِهِ "التَّغْيِيرَ".

قَالَ الْحَسَنُ بْنُ عَبْدِ الْعَزِيزِ الْحَرَّانِيُّ: سَمِعْتُ الشَّافِعِيَّ يَقُولُ: خَلَفْتُ بِنِغْدَادَ شَيْئًا أَحَدَثْتُهُ الرَّبَادِقَةُ يُسَمُّونَهُ التَّغْيِيرَ يَصُدُّونَ بِهِ النَّاسَ عَنِ الْقُرْآنِ وَهَذَا مِنْ كَمَالِ مَعْرِفَةِ الشَّافِعِيَّ وَعِلْمِهِ بِالْدِّينِ فَإِنَّ الْقَلْبَ إِذَا تَعَوَّدَ سَمَاعَ الْقَصَائِدِ وَالْأَكْبَاتِ وَالتَّنْدُ بِهَا حَصَلَ لَهُ نُفُورٌ عَنِ سَمَاعِ الْقُرْآنِ وَالْأَكْبَاتِ فَيَسْتَغْنِي بِسَمَاعِ الشَّيْطَانِ عَنِ سَمَاعِ الرُّحْمَنِ

Shaykh ibn Taymiyyah (rahimahullāh) was asked about a group of people who would gather for a variety of corrupt purposes (i.e. for gatherings involving music and singing). And each one of them adhered to (one or another) reason and each one supported his reasoning by relying on some opinion which has been mentioned (by a scholar). From amongst them are those who are ardent on joining such harām musical gatherings that play drums with bells and flutes that have become popular in our time; (gatherings) that are attended by men and women. In order to support such gatherings, they claim that Imam Shāfi`ī (rahimahullāh) and other Imams (rahimahumullāh) allowed people to attend such gatherings of music and singing.

Shaykh ibn Taymiyyah (rahimahullāh) replied:

In regard to musical gatherings that include singing and the playing of flutes and tambourines that jingle, the Imams of this Dīn are unanimous that such gatherings are not a means of gaining closeness to Allāh or considered to be acts of virtue. Rather, even if such gatherings did not include singing, clapping, beating drums, dancing, etc. and even if there are certain elements in these gatherings out of which some are permissible, some are disliked, and some are impermissible or allowed for women but not men, there is no difference

between the Imams of this Dīn that such things are not from acts that bring one closer to Allāh or are considered to be acts of virtue or acts of worship. (Furthermore,) none from the Sahābah, Tābi`ūn, Imams of this Dīn, or others scholars would attend such gatherings (of music and singing); not in Hijāz, not in Misr, not in Shām, not in `Irāq, and not in Khurāsān. (Such gatherings were never established;) not in the times of the Sahābah, the Tābi`ūn, or in the time of the Tab` Tābi`īn. However, such gatherings were invented after their time. There would be a group of such people who would gather for such things and they would call this playing of drums, bells, etc.

“Taghbīr.”

Imam Hasan ibn `Abd al-`Azīz al-Harrānī (rahimahulāh) says, “I heard Imam Shāfi`ī (rahimahullāh) saying: ‘I left Baghdād behind as the heretics amongst them invented something which they call Taghbīr by which they hinder people from (coming towards) the Qur`ān.’ This (action of Imam Shāfi`ī) is a sign of Imam Shāfi`ī’s (rahimahullāh) deep insight and his knowledge of Dīn. For it is certain that when the heart becomes accustomed to listening to such verses and lines of poetry and it starts to feel pleasure from it as well, then it forms a sort of distaste for listening to the Qur`ān and its verses. In the end, it (i.e. the heart) feels that listening to the Shaytān (i.e. poetry with music and singing) suffices in place of listening to Al-Rahmān (i.e. the words of Allāh Ta`ālā).

It goes without saying that the words used in your query are an absolute misquotation of Imam Shāfi`ī (rahimahullāh) and also completely out of context. In matters of Dīn, we should carefully consider the sources of our knowledge and be very careful when quoting such great scholars of the past.

Nevertheless, it should be clear that the quotation above is not referring to all types of anāshīd we are used to hearing today; rather, it is referring to the gatherings of a group of deviant people who would hold congregations where they would sing Islamic songs and poetry that were often accompanied by musical instruments. These people would further believe that such musical gatherings are a form of attaining proximity with Allāh Ta'ālā. Some would even declare such congregations as acts of virtue where those attending would be deserving of reward.

In the reference above, Imam Shāfi'ī (rahimahullāh) is expressing his fear about the eventual outcome of holding such gatherings; if such gatherings continue to take place, people's hearts will become infatuated by "Islamic" musical recitals and their love for hearing the Qur'ān would be overtaken by the love of these musical gatherings. This is besides the fact that such gatherings would include musical instruments, the use of which are categorically declared as harām.

On the other hand, if a nashīd does not include any musical instruments, the subject of the nashīd is acceptable and free of derogatory terms, and the one reciting is not a grown woman (i.e. if it is a young female child, it is permissible to hear her voice), then it is permissible to listen to such anāshīd on the condition that it does not lead one to be negligent in one's Islamic obligations. As a matter of fact, reciting such forms of Islamic poetry, even in public, is established from the ahādīth. Consider the following narrations:

عَنْ عَائِشَةَ، قَالَتْ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَضَعُ لِحْسَانَ مِنْبَرًا فِي الْمَسْجِدِ يَقُومُ عَلَيْهِ قَائِمًا يَقَاخِرُ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، أَوْ قَالَتْ: يَتَأَفِّحُ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَيَقُولُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّ اللَّهَ يُؤَيِّدُ حَسَانَ بَرُوحِ الْقُدُسِ مَا يَقَاخِرُ، أَوْ يَتَأَفِّحُ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ.

`Āishah (radiyallāhu `anhā) narrates that the Messenger of Allah had a minbar placed in the Masjid for Hassān (radiyallāhu `anh) to stand to boast (poetically) about the Messenger of Allah” - or she said: “to defend the Messenger of Allah .And the Messenger of Allah said: ‘Indeed Allah has aided Hassan with the holy spirit (Jibrīl) as he boasts about - or - defends the Messenger of Allah”

عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، قَالَ: مَرَّ عُمَرُ فِي الْمَسْجِدِ وَحَسَّانٌ يُنْشِدُ فَقَالَ: كُنْتُ أَشْهَدُ فِيهِ، وَفِيهِ مَنْ هُوَ خَيْرٌ مِنْكَ، ثُمَّ التَّقْتُ إِلَى أَبِي هُرَيْرَةَ، فَقَالَ: أَتَشْهَدُ بِاللَّهِ، أَسَمِعْتَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «أَجِبْ عَنِّي، اللَّهُمَّ أَبْنُ بَرُوحٍ الْقُدْسِ؟» قَالَ: نَعَمْ

Sa`id ibn al-Masayyib (rahimahullāh) narrates that `Umar (radiyallāhu `anh) came to the Masjid while Hassān was reciting a poem. (`Umar radiyallāhu `anh disapproved of that). On that Hassān said, “I used to recite poetry in this very Masjid in the presence of one (i.e. the Prophet ) who was better than you.” Then he turned towards Abū Hurayrah (radiyallāhu `anh) and said (to him), “I ask you by Allāh, did you hear Allah’s Messenger saying (to me), “Retort on my behalf. O Allah! Support him (i.e. Hassān) with the Holy Spirit?” Abu Hurayrah said, “Yes.”

It is important to point out that today many artists have incorporated music and other harām elements into their anashīd. Often we listen to radio stations playing anāshīd with instruments such as drums and pianos playing in the background. This deceives the Muslim public into thinking that as long as the subject of a nashīd is Islamic, then it is completely permissible to listen to such a nashīd even if it incorporates music. Not only is this contrary to the style of poetry permitted in the ahādīth , it is also against the consensus of all four schools of thought. This is in fact a manifestation of the exact fear that Imam Shāfi`ī (rahimahullāh) exhibited when he made the statement quoted above.

In conclusion, the statement of Shaykh Ibn Taymiyyah (rahimahullāh) is referring to a specific portrayal of Islamic poetry that involves harām elements (such as music) and further defocuses people from attending to their Islamic duties and other rewarding acts of worship such as reading the Qur'an. However, if such gatherings of anāshīd conform to the conditions mentioned above, then they will not be included under this prohibition.

Majmū' al-Fatāwā, v. 11 p. 531-532, Published by the Kingdom of Saudi Arabia

Fatāwā Mahmūdiyyah, v. 17 p. 435, Maktabah Mahmūdiyyah

[قال المصنف] في السراج وذلك المسألة أن الملاهي كلها حرام وقد دخل عليهم بلا إلهيهم إنكار المنكر قال ابن مسعود صوت اللهو والبقاء يثبت التفاف في القلب كما يثبت الله الثبات. قلت: وفي البرازية استماع صوت الملاهي كغريب قصب ونحوه حرام لقوله - عليه الصلاة والسلام - «استماع الملاهي معصية والجولس عليها فسق والالتفات بها كفر» أي بالنسبة فصرف النظر عن غير ما خلق لأجله كفر بالنسبة لا كفر بالواجب كل الواجب أن يتجنب كي لا يسمع لما روي «أله - عليه الصلاة والسلام - أدخل أصبعه في أذنه عند سماعه»

[قال ابن عابدين] (قوله) وذلك المسألة (إلى) لأن معصية أطلق اسم اللعب والبقاء فاللعب وهو اللهو حرام بالقياس قال - عليه الصلاة والسلام - «لهو المؤمن باطل إلا في ثلاث: تأديبه نفسه، وفي رواية «ملاعبته نفسه ونهيه عن نفسه وملاعبته مع أهله» كقوله وكذا قول الإمام أبيهليل دليل على أنه حرام إنقائاً، وفيه كلام لأن الكلام فيه فراجعنا مثلاً... (قوله) كغريب قصب الذي رأته في البرازية قصب بالصناد المغصمة والمثناة بقدها (رد المحتار على الدر المختار، ج ٦، ص ٨٤٢ إيج ابى سعيد كميني)

Najmul Fatāwā, v. 1 p. 99, Dārul 'Ulūm Yāsin al-Qur'an

Imdādul Fatāwā, v. 6 p. 197, Maktabah Dārul 'Ulūm Karāchi

Kitābul Fatāwā, v. 4 p. 257, Zam Zam Publishers

Fatāwā Mahmūdiyyah, v. 15 p. 280, Darul Iftaa Jāmi' ah Fārūqiyyah

[قال المصنف] أو شعر إلا ما فيه ذكر

[قال ابن عابدين] (قوله) أو شعر (إلى) قال في الشفاء المغنوي: العشر من أي من آفات اللسان الشعر سيل عنه - صلى الله عليه وسلم - فقال: «كلام حسنة حسن وقبيحة قبيحة، وسعته أن الشعر كاللحم يحمى حين يحمى ويذم حين يذم ولا بأس باستماع تشديد الأعراب. وهو إنشاد الشعر من غير لحن. ويحرم هجو منسليم ولو بما فيه، قال - صلى الله عليه وسلم - «لأن يفتخر جوف أعرجكم فيما غزاه من أن يفتخر شعره فما كان منه في الوعظ والحبك وذكر نعم الله تعالى وصفة المؤمنين فهو حسن. وما كان من ذكر الأطلال والأزمان والأسمع فمباح. وما كان من هجو وشتم فحرام. وما كان من وصف الخدود والقدود والشعر فمكروه كذا فضله أبو الليث الشيرازي. ومن كثرة إنشاده وإنشاده حين تغزل به مباحة ويحمله تشبیه له تنصير مؤمنه وذكره فهاذله. اهـ

Fatāwā Mahmūdiyyah, 3 p. 250, Darul Iftaa Jāmi' ah Fārūqiyyah

Jāmi' al-Tirmidhi, 2846, The Chapters on Manners

Bukhārī, 3212, The Book on the Beginning of Creation

Fatāwā Mahmūdiyyah, v. 17 p. 430, Maktabah Mahmūdiyyah

Please note that there are many who use ahādith that mention the use of a daff at times of nikāh and isolated opinions of some of our predecessors to prove the permissibility of using musical instruments in anāshīd and listening to them. However, this is contrary to ijma' and a misrepresentation of the actual context of such ahādith. Please refer to the following article for more details: http://www.askimam.org/public/question_detail/28271

DUA FOR EXAMS

Q: I will soon have my final year dentistry final exams. Please tell me a Dua for success in exams.

A: You may recite the following Duas:

اللَّهُمَّ انْفَعْنِي بِمَا عَلَّمْتَنِي، وَعَلِّمْنِي مَا يَنْفَعُنِي، وَارْزُقْنِي عِلْمًا تَنْفَعُنِي بِهِ

Transliteration: Allahumma inf'a'ni bimaa 'allamtani wa'allimni maa yanfa'uuni warzuqni 'ilman tanfa'uni bihi.

Translation: Oh Allah! Make useful for me what you have taught me, (and) teach me knowledge that will be useful to me and grant me such knowledge that will benefit me.

اللَّهُمَّ لَا سَهْلَ إِلَّا مَا جَعَلْتَهُ سَهْلًا، وَأَنْتَ تَجْعَلُ الْحَزْنَ إِذَا شِئْتَ سَهْلًا

Transliteration: Allahumma la sahla illaa maa ja-'altahu sahlam wa anta taj'alu al hazna idha shi'ta sahlam.

Translation: Oh Allah! Nothing is easy except what you have made easy. If you wish, you can make the difficult easy.

عَدُّكَ أَبُو الْعَبَّاسِ مُحَمَّدُ بْنُ يَحْيَى، ثنا الرُّبَيْعُ بْنُ سُلَيْعَانَ، ثنا عَبْدُ اللَّهِ بْنُ وَهَّابٍ، أَخْبَرَنِي أَسَافَةُ بْنُ زَيْدٍ، أَنَّ سُلَيْعَانَ بْنَ مَوْسَى حَدَّثَهُ، عَنْ مَعْمُولٍ، أَنَّهُ دَخَلَ عَلَى أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ، قَالَ: فَسَمِعْتُهُ يَقُولُ: أَنَّ رَسُولَ اللَّهِ كَانَ، يَقُولُ: «اللَّهُمَّ انْفَعْنِي بِمَا عَلَّمْتَنِي، وَعَلِّمْنِي مَا يَنْفَعُنِي، وَارْزُقْنِي عِلْمًا تَنْفَعُنِي بِهِ» هَذَا حَدِيثٌ صَحِيحٌ عَلَى شَرْطِ مُتْلِعٍ، وَلَمْ يَخْرُجْ لَهُ [المستدرک للحاکم رقم الحديث ٩٧٨١، دار الكتب العلمية]

رَوَيْنَا فِي كِتَابِ ابْنِ السَّيْنِيِّ عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «اللَّهُمَّ لَا سَهْلَ إِلَّا مَا جَعَلْتَهُ سَهْلًا وَأَنْتَ تَجْعَلُ الْحَزْنَ إِذَا شِئْتَ سَهْلًا» [الذَّكَارُ لِلنَّوَوِيِّ ص ٦٢١ دار الحديث القاهرة]

GOOGLE AND YOUTUBE

Q: Is it permissible to use Google and Youtube?

A: Google is a search engine that indexes web pages so that the user can search for and seek the information they desire through the use of keywords. YouTube is a video sharing website on which users can upload, view and share videos. The use of these websites is similar to the use of a car; they can be both beneficial and detrimental depending on what one uses them for.

If a person navigates and goes to impermissible places (websites) and views impermissible and illicit material (pornography, music, movies, interaction with the opposite gender etc.) then using websites such as Google and YouTube will be impermissible. However if a person uses these websites for beneficial and educational purposes; to listen to Quran, read literature, listen to speeches etc. then using these websites will be permissible.

If one fears that one will not be able to refrain from browsing impermissible content and material; even if the purpose of using the internet is permissible; he should refrain from browsing the internet altogether.

ويجوز بيع الربط والطبل والمزمار والترد، وأشياء ذلك في قول أبي حنيفة، وعندهما لا يجوز بيع هذه الأشياء. وجه قولهما: إن هذه الأشياء أعدت للمعصية حتى صارت بحال لا يستعمل إلا في للمعصية، فسقطت مالياتها والتحققت بالعدم. ومن شرط جواز البيع للمالية. ولأبي حنيفة: إن هذه الآلات ليست بمحرمة العين، وكونها آلة للمعصية إما يوجب سقوط التقويم والمالية إذا كانت متعينة للمعصية، وهذه الأشياء لم تتعين آلة للمعصية؛ لأن الانتفاع بهذه الأشياء ممكن بوجه حلال بأن يجعل الرد صنجات الموازين، والربط والطبل والدف ظروف الأشياء، وإذا لم تكن متعينة للمعصية تقومها كالمعصية فإنه لما تصور الانتفاع يعينها بطريق حلال لا يسقط تقويمها ومالياتها حتى جاز بيعها كذا ههنا (المعيط الربحاني - ج 9 - ص 433 - أدلة القرآن)

CIRCULATION OF UNAUTHENTIC MESSAGES

Q: A lot of such messages with unknown source keep on roaming and people spread these messages without confirming their authentication and when someone tries to find out the source he/she only finds a chain of senders leading to unknown source. Once I received a message as a translation of a verse from Surah Al-Mulk, and when I checked I found that there is no such verse in that Surah. In most of these messages, the receiver is asked to forward this message to as many people as possible.

Even some tactics are used sometimes for this purpose like emotional blackmailing, e.g., the person who likes this message will forward this, if you do not spread this something bad may happen to you, if you do this something good will happen to you, etc. I get worried in this situation as this is the matter of our Deen and this kind of things are misleading the people. Sometimes I think this may be the tactic of mobile companies to make money. As they know that we are very sensitive regarding our Deen, they use our sensitivity for their own material benefit as people send more and more text messages believing they are doing a good deed and as a result, these mobile companies make money. Kindly reflect on this.

A: In today's world of technology, it has become very easy to spread messages instantly. Unfortunately, there are many messages that are being circulated today that have no basis in Shari'ah. There are severe warnings mentioned in Ahādīth for the one who fabricates a Hadīth against Rasūlullāh Sallallāhu Alaihi Wa Sallam. Rasūlullāh Sallallāhu Alaihi Wa Sallam said:

مَنْ كَذَبَ عَلَيَّ فَلْيَتَّبِعُوا مَقْعَدَهُ مِنَ النَّارِ (صحيح البخارى، بَابُ إِثْمِ مَنْ كَذَبَ عَلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ)

The one who lies against me should prepare his abode in the fire.
(Sahīh al-Bukhārī)

Hence, one should not send such messages to others until the status of such narrations is not verified from a competent Alim (scholar of Dīn). The Muhaddithīn (Hadīth experts) have clearly stated that it is impermissible to convey fabricated narrations.

The threats that are received in such emails should be ignored. Such threats hold no weight. The ability to give benefit and the ability to harm is only in the control of Almighty Allāh Ta'ālā. Harm is not in the hands of any created entity. If one abstains from sending such messages due to not being aware of the authenticity of the narration, he is doing what is appropriate. He is not disobeying Allāh Ta'ālā. Hence, there is no reason to believe that he will be afflicted with a punishment for not passing on the message.

Upon receiving such narrations, one should not accept them nor should one reject them. One should simply acknowledge that he/she does not know the reliability of such a narration. Thereafter, the Ulama should be referred to for guidance.

واثقفوا على تخريج رواية الموضوع إلا مقرّونا ببيان: لقوله صلى الله عليه وسلم: "مَنْ خُذْتُ عَنِّي بِحَدِيثٍ يُرَى أَنَّهُ كَذِبٌ فَهُوَ أَحَدُ الْكَاذِبِينَ"، أخرجه مسلم (نزهة النظر، حكم رواية الموضوع)

IS IT PERMISSIBLE TO GO FOR A HOLIDAY?

Q: Would it be permissible to go on a holiday?

A: As human beings, sometimes we need some time off or a small break to rejuvenate ourselves in order to function at our best. There is no prohibition regarding that in Shari'ah. As such, going on a holiday or vacation is permissible. However, one must be extremely cautious of the dos and don'ts when going for a holiday especially in these days of shamelessness and immorality. One's holiday must be strictly dictated by the laws of Shari'ah such that not a single activity should be contrary to it. It is with this in mind that we have compiled a brief guideline for those wishing to go out on a holiday.

1. Extravagance:

A common trait of people who go on holidays is extravagance. They book lavish 5 star hotels, dine in fancy restaurants, buy useless souvenirs and squander their money left and right. This behaviour is extremely disliked in Shari'ah. Consider the following verse:

إن المبذرين كانوا إخوان الشياطين وكان الشيطان لربه كفورا

Surely, squanderers (the extravagant) are brothers of satans, and the Satan is very ungrateful to his Lord.(Verse: 17:27)

Expounding on the issue of extravagance, Mufti Shafi' Saheb beautifully writes:

“The truth of the matter is that the course of moderation is very desirable in wearing what one wears and living where one lives, in almost everything. Sayyidna ‘Abdullah ibn ‘Abbas, radiyallahu anhu,

said: Eat and drink what you wish and wear what you like. But, take care of two things: One, that there be no Israf (excess from the measure of need) in it. Two, that there be no pride and arrogance about it.”

2. Imitating the disbelievers:

Due to heavy influence and excessive dosage of Western mass media, it is most unfortunate that the greatness of certain non-Islamic customs and practices has crept into the hearts of many Muslims.

Today, we find Muslims who refrain from committing sins due to the pressure of their respective communities. However, when these same Muslims are outside the range of the community’s prying eyes, Shaytan tries to exploit this and makes these individuals perform deeds they would otherwise refrain from. Thus, they fall into the trap of imitating the disbelievers, deeming it harmless even though imitating them in the way they dress, the way they interact, and in their manner of squandering wealth should be strictly avoided lest one falls under the ambit of this verse:

ولا تتركوا إلى الذين ظلموا فتمسكم النار وما لكم من دون الله من أولياء ثم لا تنصرون

And do not incline towards the wrongdoers, lest the Fire should catch you, and you have no supporters other than Allah, then you should not be helped. (Verse: 11:13)

Qadi al-Baidawi said, ‘following them in personal looks, fashion, and ways of living are all included under this very prohibition.’

The following hadith should also be born in mind:

عَنْ ابْنِ عُمَرَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ تَشَبَّهَ بِقَوْمٍ فَهُوَ مِنْهُمْ»

It has been narrated on the authority of Ibn ‘Umar (Radhiyallahu Anhu) that Nabi (Sallallahu Alaihi Wasallam) said, “Whosoever imitates or follows a nation, will be regarded from amongst them”.

Under the explanation of the abovementioned Hadith, it has been mentioned that whosoever imitates or replicates the clothing, etc. of the non-Mulims or transgresses the rules of Shari’ah will also have a share in their sins. Similarly, whosoever imitates the pious from amongst the believers will have a share in the rewards of those pious people.

3. Carelessness with regards to praying Salaah:

Salaah is one of the pillars of Islam. Missing even one salaah is a major sin. The severity of the matter should be clear from the following hadith:

عَنْ أَبِي سُوَيْبَانَ، قَالَ سَمِعْتُ جَابِرًا، يَقُولُ سَمِعْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ ” إِنْ بَيْنَ الرَّجُلِ وَبَيْنَ الشَّرِّ وَالْكَفْرِ تَرَكَ الصَّلَاةَ “ .

It is narrated on the authority of Jabir that he heard the Apostle (may peace and blessings be upon him) saying. Verily between man and between polytheism and unbelief is the negligence of prayer. However, due to the busy schedule of people on their holidays, they tend to neglect performing their salaah timeously.

Some even feel ashamed to pray it in front of everyone and wait until they return to their hotels or guest houses to pray. This is totally against the dictates of Islam. Salaah should be performed as soon as its time enters. This will ensure that one’s holiday is not deprived of divine blessings and spirituality.

4. Covering the ‘awrah:

The Prophet, sallallahu alayhi wa sallam, commanded us to cover our ‘awrah. Covering one’s ‘awrah represents one’s hayaa, modesty and shame. It is a very essential quality for a Muslim to possess in this era of immorality and shamelessness. Consider the following hadith:

قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ عَوْرَاتُنَا مَا نَأْتِي مِنْهَا وَمَا نَذَرُ؟ قَالَ: احْفَظْ عَوْرَتَكَ إِلَّا مِنْ زَوْجَتِكَ أَوْ مَا مَلَكَتْ يَمِينُكَ، فَقَالَ: الرَّجُلُ يَكُونُ مَعَ الرَّجُلِ؟ قَالَ: إِنْ اسْتَطَعْتَ أَنْ لَا يَرَاهَا أَحَدٌ فافعل، قُلْتُ: وَالرَّجُلُ يَكُونُ خَالِيًا، قَالَ: قَالَهُ أَحَقُّ أَنْ يُسْتَحْيَا مِنْهُ.

Narrated Bahz bin Hakim: “My father narrated to me from my grandfather, who said: ‘I said: “O Messenger of Allah! Regarding our ‘Awrah, what of it must we cover and what of it may we leave?” He said: “Protect your ‘Awrah except from your wife or what your right hand possesses.” He said: “What about a man with another man?” He said: “If you are able to not let anyone see it, then do so.” I said: “What about a man when he is alone?” He said: “Allah is most deserving of being shy from Him.”

Some holiday locations are such that everyone is exposing their ‘awrah over there, such as beaches. As a Muslim it is essential that we don’t “go with the flow” and that we maintain our dignity and follow the command of Allah Ta’alaa and his beloved Prophet, sallallahu alayhi wa sallam, and keep our ‘awrah covered.

5. Lowering the Gaze:

One of the biggest challenges Muslims face when going on holidays is lowering the gaze. In places where it is considered “normal” to wear skimpy clothes and expose most of one’s body, a Muslim must lower his gaze and avoid looking at people’s ‘awrah. Allah Ta’alaa says in the Quran:

قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ (٢٤) وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ...

Tell the believing men to lower their gaze and be modest. That is purer for them. Lo! Allah is aware of what they do. (30) And tell the believing women to lower their gaze...(Surah Noor)

Purposely looking at other people's 'awrah is a grave sin. This should be evident from the following hadith:

عَنْ ابْنِ عَبَّاسٍ - رَضِيَ اللَّهُ عَنْهُمَا - قَالَ لَمْ أَرْ شَيْئًا أَشْبَهَ بِاللَّمَمِ مِنْ قَوْلِ أَبِي هُرَيْرَةَ. حَدَّثَنِي مُحَمَّدٌ أَخْبَرَنَا عَبْدُ الرَّزَّاقِ أَخْبَرَنَا مَعْمَرٌ عَنْ ابْنِ طَاوُسٍ عَنْ أَبِيهِ عَنِ ابْنِ عَبَّاسٍ قَالَ مَا رَأَيْتُ شَيْئًا أَشْبَهَ بِاللَّمَمِ مِمَّا قَالَ أَبُو هُرَيْرَةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ "إِنَّ اللَّهَ كَتَبَ عَلَى ابْنِ آدَمَ حَظَّهُ مِنَ الرِّثَاءِ، أَدْرَكَ ذَلِكَ لَا مَحَالَةَ، فَرِنَا الْعَيْنِ النَّظْرُ، وَرِنَا اللِّسَانُ الْمَنْطِقُ، وَالنَّفْسُ مَمْنَى وَتَشْتَهِي، وَالْفَرْجُ يُصَدِّقُ ذَلِكَ كُلَّهُ وَيُكَذِّبُهُ."

Narrated Ibn `Abbas: I have not seen a thing resembling 'lamam' (minor sins) than what Abu Huraira `narrated from the Prophet who said "Allah has written for Adam's son his share of adultery which he commits inevitably. The adultery of the eyes is the sight (to gaze at a forbidden thing), the adultery of the tongue is the talk, and the inner self wishes and desires and the private parts testify all this or deny it."

6. Halal holiday location:

While this point may be extremely obvious, human beings sometimes need to be reminded of the obvious: the location of the holiday itself should be permissible. Going to places like casinos or night-clubs is not permissible.

In conclusion, while Allah Ta`ala has permitted us to enjoy ourselves in our free time, we must always remember to remain steadfast in our duties to Allah the Almighty regardless of where we are as we must ultimately answer to him for all of our deeds.

ISLAMIC ONLINE INSTITUTIONS

Q: What is your view on online institutions offering courses in Arabic, Hadeeth and Fiqh?

A: It is a blessing of Allah that one is given the yearning and desire to pursue ‘ilm (Knowledge of Deen). From the time of Rasulullah (salallahu alayhi wa sallam), the sacred sciences of Islam have been transferred from generation to generation, preserved and intact. The traditional way of passing down knowledge has always been from teacher to student, person to person, and this is still the preferred way for a person to gain ‘ilm. In this procedure, a student observes the conduct and Taqwaa of the teacher and he benefits from the Roohaniyyat (spirituality) of the teacher.

However, with the advent of technology, a lot of people who could not previously seek ‘ilm can do so now. Since situations vary from person to person, it is not always possible for one to leave his family and country and devote many years to learning ‘ilm. One might have obligations at home, financial responsibilities, or other issues because of which, a long term commitment away from home becomes unfeasible. Furthermore, the purpose of ‘ilm is not that one either becomes a full-fledged ‘alim or remains a layman. It is not about all or nothing. Rather, all of us have been made responsible and accountable for knowing at least ‘ilm al-hal (that is as much knowledge that is necessary for us at that particular moment in our life). For some that might be just wudu, salah, sawm (fasting), while for others who have been blessed with wealth it could entail zakat and hajj as well. For a businessman it would mean also learning fiqh al-buyoo’ (business transactions) and so on.

Nowadays, there is a dire need to learn ‘ilm from traditional sources due to the many misconceptions, erroneous ideologies and wide-

spread ignorance that have become rife in our society. In addition to that, we have been encouraged to pursue as much knowledge as our time and situation allows us to benefit ourselves and those around us. For this reason, enrolling in an online institute is a beneficial and practical option for many. Distant learning through communication is analogous to the concept of Kitabatul Hadith and Irsalu Hadith where the Muhadditheen used to benefit from each other by sending their compilations of Ahadith to each other. In the first Tarjumatul Baab (Subject) of Kitabul Eemaan of Bukhari Shareef, Imam Bukhari (Rahmatullahi Alayhi) refers to Umar Bin Abdul Azeez's letter to Adi who was from Musil in Iraq informing him on the fundamentals of Eemaan. He even expressed his wish to elaborate the issues of Eemaan for the people of Iraq.

If a person cannot travel or enroll in a traditional institution to study Islam, then he should take advantage of online institutes that have been set up by reliable and traditional 'ulama to learn as much he can. This way he will learn 'ilm that is necessary for him and also 'ilm that he can use to help and teach others, if his teachers permit him to do so.

Further, since the goal of knowledge to apply 'ilm to life with the niyyah (intention) to please Allah, the student enrolled online and the student in a traditional setting have the same purpose and goal. When the niyyah is correct, the 'ilm gained is visible in a person's actions and deeds. 'Ilm then is the name of that knowledge which manifests itself through application. As a result the one who applies what he learns from proper sources with the proper intention has in fact gained 'ilm.

Yes, the student studying online will not be at the same level under most circumstances as the one who spent years in a traditional institute. Neither will his struggles and sacrifices equal that of a

regular student. However a believer is rewarded according to his niyyah (intention), the rewards of Allah are infinite and Allah might open a way for him to complete his studies at a traditional institute, Insha-Allah.

IS SHE THE 'ONE'?!

Q: I am at uni. I met this girl and we get along well. I believe I have developed strong feelings for her. However, I am not perusing a relationship as such because I understand its haram. Is it possible for me to do Istakhara to find out if shes the 'one' or not?

A: You state you met this girl and you get along well with her. At the onset, it should be understood that any type of unnecessary contact with a ghair mahramah girl is prohibited. A ghair mahramah girl is she with whom nikah is principally correct. The reason for the prohibition is to avoid developing lustful feelings for each other which will eventually lead to haram relationships. Your relationship towards this girl is also the consequence of the casual contact you have with this girl. Just as pursuing a relationship is haram, so too is the casual contact also haram as the consequences in both are the same.

If you wish to marry the girl, discuss the issue with your parents and also make istikhara to seek the guidance of Allah if the girl is good for you as a wife. Istikhara is not meant to find out if she is the "one". It is to find out if the one you are interested in is good for you or not. Whether that is the "one" or not is something you should continue researching until you are guided to your taqdeer.

RULING OF THE VIDEO GAME - GOD OF WAR 3

Q: I just want to know Islamically where we stand when it comes to video games. I have just played a game called God of war 3 which is based on Greek mythology. Although I don't believe in any aspect of the game and its storyline a though had hit me that Islami-cally where do we stand when it comes to these games. Basically the character is someone that kills Greek Gods in the game based on Greek mythology.

I would greatly appreciate it if you could clear this up for me as I want to eliminate as many haram things from my life as I can.

A: Verily, Allah has created us for the purpose of His worship. One should adopt only those actions that lead us to the recog-nition, pleasure and nearness of Allah. Likewise, all futile and use-less activities which result in no good in both the worlds should be abandoned. Allah says, "And from among the people, there is he who buys the distracting amusement of things, so that he, being devoid of knowledge, may mislead (people) from the Way of Allah and make a mockery of it. Such people are the ones for whom there is a disgrace-ful punishment"

Video games generally fall in the category of amusement (lahw) and is thus detested and should be avoided. The perfection of a person's faith and obedience is in his abstinence from that which is useless and brings forth no goodness.

The playing of video games not only prevents a person from using time effectively but generally involves listening to music and vulgar language, viewing indecent material and is also responsible for seri-ous social and psychological implications too.

It will be impermissible to play any video game which either:

- (1) brings forth no good in this world or the Hereafter;
- (2) Entails anything contrary to Islamic law;
- (3) Comprises more harm and evil than benefit and good;
- (4) Or is simply undertaken for amusement purposes and is a hindrance from total servitude to Allah.

The video game in question, 'God of War', nevertheless comprises of no goodness, involves violence and brutality against the creation, forms an addiction, and moreover, fundamentally many of the aspects contradict the tenets of Islamic faith. Amongst many factors, the game depicts 'God' as deceiving, cunning, helpless, prone to err and defeated. Allah, in reality, is pure from any defect or weakness and from similarity to any creation.

This game may have a detrimental effect to a person's faith and spiritual wellbeing. To attribute such characteristics to Allah even in play and joke will constitute kufr and disbelief.

The specific video game in reference, God of War 3, is clearly prohibited.

[Al-Qur'an: 51:56]

[Al-Qur'an: 25:72]

[Al-Quran: 31:6]

قاللعيب وهو اللهو حرام بالنص... استماع اللهو حرام

[Radd al-Muhtar ala ad-Durr al-Mukhtar, vol.9, p. 575-6, Dar al-Ma'rifah, Beirut, Lebanon]

قال النبي (صلى الله عليه وسلم): من حسن اسلام المرأ تركه ما ليعنيه

[Al-Tirmidhi: 2470]

ان اللهو علي أنواع لهو مجرد ، ولهو فيه نفع وفائدة ولكن ورد الشرع بالنهاي عنه ، ولهو فيه فائدة ولم يرد في الشرع نهى صريح عنه ، ولكنه ثبت بالتجربة أنه يكون ضرره أعظم من نفعه ملتحق بالمنهي عنه ، ولهو فيه فائدة ولم يرد الشرع بتحريمه ولم يغلب علي نفعه ضرره ولكن يشتغل فيه بقصد التلهي ، ولهو فيه فائدة مقصودة ولم يرد الشرع بتحريمه وليس فيه مفسدة دينية واشتغل به علي غرض صحيح لتحصيل الفائدة المطلوبة لا بقصد التلهي . فهذه خمسة أنواع لا جائر فيها إلا الأخير الخامس

Ahkam al-Qur'an, Vol.3, Page.201, Idarah al-Qu'ran Wa al-Ulomm al-Islamiyyah, Karachi, Pakistan;

Taqi al-Uthmani, Takmilah Fat'h al-Mulhim, Part. 4, Pages. 434-6. For a detail discussion please see:

Ahkam al-Qur'an, Vol 3, Pages.194-202

[Al-Qur'an: 42: 11]

ولادشبهه الآثام

Sharh al-Aqeedah at-Tahawiiyyah, Page.52, Dar al-Basa`ir
 إذا وصف الله بما للخلق به ... يكفر [264:5 hayy nakratat-la awataF-la] إذا وصف الله تعالى بما للخلق به يكفر [202:5, qI`aR-ra rhaB-la] awataF-la

al-Alamkiriyyah, 2:258] In Fatawa Mahmoodiyyah 1:256, Dar al-Ifta Jamiah Farooqiyyah Karachi

واستحلال المعصية كفر والاستهزاء بها كفر والاستهزاء علي الشريعة كفر

Sharh al-Aqaid an-Nasafiyyah, Page.193, Dar al-Beirut

SOCIAL MEDIA - FACEBOOK - TWEETING

Q: I want to know what is shariah ruling on using social media like twitter and facebook. Because I know lots of people scholars also use these social media alike twitter and they talk very freely to ghair mahram. In real life they wouldn't have the courage to go up in front of woman with niqab and a woman with niqab will not directly talk freely and joke also to a ghair mahram man. This is very common with social media users especially twitter I have noticed.

When we see scholars also behaving like this on social media it is very discouraging and bad example for the youth. The youth see scholars doing this and think this is ok. Random people chat on twitter as if they know each other. Through this small 'chit chat' a relationship is started. I have had personal experiences with my friends. How may girl 'friends' they have is shocking! ghair mahram women freely joke and comment for them and they re post on their social media and vice versa. Is all this permissible or even moral and ethical and befit for scholars especially to behave like this?

A: The ruling of social media will depend on the nature and contents of the medium. Since the dominant feature of Facebook is that a user generally views pictures, including those of the opposite gender, the use of Facebook will not be permitted.

On the other hand, with respect to a social medium like twitter, generally one may avoid viewing pictures of the opposite gender and other unlawful activities, and the medium can be used in a positive and permissible way. Hence, in principle, the ruling of twitter will depend on the person using it. If one uses it for good or acceptable reasons and he is sure he will not become involved in anything impermissible by using it, it will be permissible for him to do so.

On the other hand, if in one's general usage of twitter, he engages in some haram activity, like looking at pictures of the opposite gender, or freely and unnecessarily engaging in conversation with an unrelated member of the opposite gender, or there is a genuine fear of doing so, it will not be permissible for such a person to use twitter.

We cannot comment on the 'scholars' you refer to, and each case must be considered individually. But remember that each believer is held accountable only for his own actions. It is a believer's duty to ground his actions on the teachings of reliable and accepted scholars. He may not take the slips of a scholar as an example for himself.

It is reported from Rasūlullāh (sallAllāhu 'alayhi wasallam) that he said:

إياكم...وزلة العالم

“Beware of the slip of a scholar.”

Remember only prophets are infallible, and all people besides them are susceptible to errors and sins. Every person will be taken to task for his own actions, and each person is responsible to ensure that his actions are consistent with the teachings of Shari'ah.

قال في القنية من الكراهة: غلب على ظنه أن أكثر بيعات أهل السوق لا تخلو عن الفساد فإن كان الغالب هو الحرام تنزه عن شراؤه
شرح الحموي، إدارة القرآن، ٩٠٣
قال تعالى: قل فيهما إثم كبير ومنافع للناس وإفهما أكبر من نفعهما

الأصل في كل شيء الإباحة
الأشياء والنظائر، إدارة القرآن، ٢٠٣
بيع الحمارية المغنية لا يكره؛ لأنه ليس عينها منكراً وإفها المنكر في استعماله المحظور. كما صرح به صاحب ((التبيين)) ٣: 792، و((رمز الحقائق)) ١: 923، و((النهر
الفاثق)) ٣: 862، و((حاشية أبي السعود)) ٣: 604
خلاصة الكلام في مسألة الإعانة على الحرام

شرح أصول اعتقاد أهل السنة والجماعة، ١: ٦١١

THE REALITY OF SIHR AND JINN IN ISLĀM

Q: What does sharia say about jadu (black magic) and Jinnat, whereby it is prevailing in our society and families are really in deep troubles and strongly trying to follow Taweez from maulanas coming from more specially India/Pakistan etc. They ask us to open a page from Qur'aan shareef, that he will translate and will say something about our problems. Recently a wife was told few very bad things happening to her in the presence of a husband and on hearing all sort of things, a husband was grossly unhappy and they both had hot tempered arguments. Now I am requesting for more knowledge and guidance over this matter. Secondly is it permissible to engage such treatment of taawiz for some body in the family without his/her permission and knowledge.

A: The presence of Jādū/Sihr (black magic) and Jinn is undoubtedly common in the world. It cannot be entirely negated and overlooked because the Qur'ān and Ahādīth also allude to the different aspects regarding this. Further, the precautionary measures to be adopted against the evils of these aspects and the cure for those who have been afflicted have also been mentioned in the Qur'ān and Ahādīth.

As far as Sihr (black magic) is concerned, Rasulullāh Sallallāhu Alayhi Wa Sallam was also afflicted by this. A Jew by the name of Labīd Ibn A'sam carried out black magic on him by tying eleven knots in a few strands of his sacred hair and placing it under a rock in an unused well. This affected Rasulullāh Sallallāhu Alayhi Wa Sallam in such a way that it created uncertainty in his mind as to whether he had done a certain action or not. Allāh informed him through revelation of this Sihr (black magic).

As far as the Jinn are concerned, they are one of the Divine creations of Allāh. They, like human beings, have a physical form, intellect and senses, but are hidden from the human eye. The existence of Jinn is established by conclusive and incontestable evidence in the Qur'ān and Sunnah.

Allāh says in the Qur'ān:

وَلَقَدْ خَلَقْنَا الْإِنْسَانَ مِنْ صَلْصَالٍ مِنْ حَمَإٍ مَسْنُونٍ. وَالْجَانَّ خَلَقْنَاهُ مِنْ قَبْلُ مِنْ نَارِ السَّمُومِ

“And certainly We have created mankind from sounding clay made of decayed mud. As for Jinn, We had created them earlier from the fire of the scorching wind.”

The creation of Jinn was well before that of humankind and they had wreaked havoc in the earth right from the beginning. Allāh alludes to this in the Qur'ān:

وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً قَالُوا أَتَجْعَلُ فِيهَا مَنْ يُفْسِدُ فِيهَا وَيَسْفِكُ الدِّمَاءَ وَنَحْنُ نُسَبِّحُ بِحَمْدِكَ وَنُقَدِّسُ لَكَ

“Remember when your lord said to the angels, ‘I am going to create a deputy on the earth.’ They said, ‘Will You create there one who will spread disorder on the earth and cause bloodshed, while we proclaim

Your purity along with your praise, and sanctify your name?”

This was after the angels had witnessed the mischief of the Jinn on earth. However, just as humans, Allāh has created Jinn for his obedience and subservience. Allāh says:

وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ

“And I have not created Jinn and human beings except that they worship me.”

However, as is the case with humankind, there are those that are obedient to Allāh and those that are disobedient. It is these disobedient ones that cause mischief in on earth. They have the potential of harming humans. However, one should not be fearful of Jinn. It is the fear that people have of them that gives them the courage to cause mischief and harm. The people of Arabia would live in great fear of these Jinn before the advent of Islām. It was customary in the days of ignorance that when people halted in a jungle or valley in the course of a journey, they uttered the following words, believing that the leader of the valley (a Jinn) would protect them:

“I seek refuge in the leader of this valley from the foolish mischief-makers of his nation.”

Allāh discusses this in the Qur’ān:

وَأَنَّهُ كَانَ رِجَالٌ مِنَ الْإِنسِ يَعُوذُونَ بِرِجَالٍ مِنَ الْجِنَّ فَزَادَهُمْ رَهَقًا

“And some individuals of the humans would seek refuge in some individuals of the Jinn, and thus they (humans) increased their (Jinn’s) mischief.”

Islām distances itself from such a level of fear and belief in the Jinn that they are superior to humans and humans should remain fearful

of them. The mischief and evils of Jinn cannot be negated. However, it is inappropriate to attribute every unusual occurrence, illness and difficulty to the Jinn.

Sihr (black magic) and the Jinn are most definitely effective. However, it should be noted that every illness, discomfort and calamity cannot attributed on Sihr (black magic) as is the common practice of people nowadays. It should be born in mind that whilst Sihr (black magic) is effective in nature, it is not as common as people consider it to be. Often people afflicted with medical issues tend to turn towards an Aamil, totally neglecting the medical aspect. It is incumbent that one exhausts all medical treatment before turning towards ascertaining whether it is the effect of Sihr (black magic) or not.

Furthermore, the practice of curing people of the effects of Sihr (black magic) has become a commercial practice and many incompetent Aamils have taken up the practice. Hence, one should be wary of the legitimacy of the Aamils as they tend to untruthfully diagnose people with having effects of Sihr (black magic), in the process accusing others of having carried out the Sihr (black magic). This often causes animosity and disputes amongst close families.

In curing oneself, one is not bound to engage an Aamil to do so. Shari'ah has educated us on a number of practices that one may adopt on his own in trying to alleviate Sihr (black magic).

The following are methods that one may adopt:

1. Recitation of Surah Falaq and Surah Nās, blowing on the hands and thereafter rubbing them on oneself. Nabi Sallallāhu Alayhi Wa Sallam would do this during illness and before retiring to bed. These Surahs were revealed as a cure after the Jew, Labid Ibn A'sam, had bewitched Rasulullāh Sallallāhu Alayhi Wa Sallam. A'isha Radhi Allāhu 'Anhā narrates that whenever the Rasulullāh

Sallallāhu Alayhi Wa Sallam would become ill, he would recite the Mu'awwizat (Surah al-Falaq and Surah an-Nas) and blow over himself. When his illness was aggravated, I used to recite these two Surahs (and blow my breath) over him and make him rub his body with his own hand, for its blessings.”

2. Recitation of the first three verses of Surah Mu'min/Ghafir and Āyat-ul-Kursī every morning and evening.
3. The reading of the Manzil (by Hadhrat Maulānā Muhammad Zakariyyā Kandhalwī) has proven to be extremely effective for protection against the evil influence of Jinn, Sihr (black magic), and other evils. It contains only verses of the Qur'an.

Allāh Ta'ala says in the Qur'an:

وَنُنَزِّلُ مِنَ الْقُرْآنِ مَا هُوَ شِفَاءٌ وَرَحْمَةٌ لِّلْمُؤْمِنِينَ.

“And We have revealed in the Qur'an that which is a cure and mercy for the believers.”

5. Recitation of the following du'ās prescribed in the Ahādīth:
Read three times every morning and evening:

بِسْمِ اللَّهِ الَّذِي لَا يَضُرُّ مَعَ اسْمِهِ شَيْءٌ فِي الْأَرْضِ وَلَا فِي السَّمَاءِ وَهُوَ السَّمِيعُ الْعَلِيمُ

Transliteration: “Bismillahi-lladhi La Yadhurru Ma'asmihi Shay'un Fil Ardhi Wa La Fis-Samaa'i Wa Huwas-Samee'-ul-'Aleem.”

Translation: “In the name of Allāh with virtue of whose name nothing in the earth nor the skies can harm. He is the ever-hearing and most knowledgeable.”

Read every morning and evening:

أَعُوذُ بِكَلِمَاتِ اللَّهِ التَّامَّاتِ مِنْ شَرِّ مَا خَلَقَ

Transliteration: “A’uudhu Bikalimaatillahi-ttammaati Min Sharri Mā Khalaq.”

Translation: “I seek protection of Allāh’s perfect words from every evil that He has created.”

6. The eating of Ajwah dates has also been prescribed in the Hadīth. Rasullāh Sallallāhu Alayhi Wa Sallam said, “One who eats seven ‘Ajwah dates in the morning shall not be harmed that day by any poison or Sihr (magic).”

7. The famous Tabi’ī, Ka’b al-Ahbār Radhi Allāhu ‘Anhu mentions, “Had it not been for a few phrases that I recite (regularly), the Jews would have turned me into a donkey (through black magic). He was asked, “What are these phrases?” He replied:

أَعُوذُ بِوَجْهِ اللَّهِ الْعَظِيمِ. الَّذِي لَيْسَ شَيْءٌ أَعْظَمَ مِنْهُ. وَبِكَلِمَاتِ اللَّهِ التَّامَّاتِ الَّتِي لَا يَجَاوِزُهُنَّ بَرٌّ وَلَا فَاجِرٌ.
وَبِأَسْمَاءِ اللَّهِ الْحُسْنَى كُلِّهَا. مَا عَلِمْتُ مِنْهَا وَمَا لَمْ أَعْلَمْ. مِنْ شَرِّ مَا خَلَقَ وَبَرًّا وَذَرًّا.

Transliteration: “A’uuzu bi wajhillāh al-Adhīm alladhi laysa shay’un a’dhamu minhu wa bi kalimatillāh at-tammaati allati la yujawizu-hunna barrun wa la faajir wa bi asmaa-illāh al-husnaa kullihā ma alimtu minha wa ma lam a’lam min sharri ma khalaqa wa bara’a wa dhara’a.”

Translation: “I seek the protection of Allāh the Great; He, than whom there is nothing greater. And I seek the protection of the perfect words of Allāh which no man, virtuous or evil, can even transcend; and I seek the protection of all the beautiful names of Allāh, those of

them which I know and those which I do not know, from the evil of everything He (Allāh) created, to which He has given existence, and which He has spread (over the earth).”

8. The wearing of a Ta'weez (amulet) that contains Āyāt of the Qur'ān or the names of Allāh or a du'ā mentioned in the Hadīth. However, the Āyāt of the Qur'ān and those du'ās that are mentioned in the Ahādīth are more effective and beneficial than the wearing of a Ta'weez.

Whilst at times it may be necessary to employ the services of a Aamil, it should be ascertained that he is reliable, competent and he abides to Shari'ah in his practice of curing people. In such times of moral corruption, there are many Aamils who are unconcerned of maintaining Shar'i practices in their work.

Shari'ah has given permission of engaging in treatment through Ruqyah - which is one of the most common ways Aamils adopt in curing the afflicted. Ruqyah refers to the recitation of verses or words followed by blowing on a person. Ruqyah is permissible with the following conditions: No such words are recited which constitute Kufr or witchcraft. It is in a language that is generally understood by the people. It is preferable to recite in Arabic, specifically verses of the Qur'ān, du'ās from the Ahādīth and the attributes of Allāh.

One has faith that the Ruqyah in itself is not effective but Allāh has placed the effect of curing in it. As far as engaging in the treatment of a family member without his consent is concerned, it is not advisable to do so as it may lead to unwanted problems and quarrels in the family. The concerned family member should be advised, firstly, to undergo medical treatment and if that fails, then he/she should be advised to try any of the abovementioned methods of treatment.

المصغر: 62 - 72

البقرة: 03

الذاريات: 65

البقر: 6

سنن أبي داود: 986 (مكتبة ريشدية)

حدثنا عبد الله بن محمد التميمي، حدثنا محمد بن عبد الله بن موهب الهذلي، قال: حدثنا الفضل -يعني ابن فضالة- عن عقيل، عن ابن شهاب، عن عروة عن عائشة: أن النبي -صلى الله عليه وسلم- كان إذا لوى إلى فراشه كل ليلة جمع كفيه، ثم ثقب فيهما، وفرأ فيهما: ﴿قُلْ هُوَ اللَّهُ أَحَدٌ﴾، و ﴿قُلْ أَعُوذُ بِرَبِّ الْقَلْبِ﴾، و ﴿قُلْ أَعُوذُ بِرَبِّ الْقَلْبِ﴾، ثم يمسح بهما ما استطاع

سنن أبي داود: 602 (مكتبة ريشدية)

حدثنا عبد الله بن محمد التميمي، حدثنا محمد بن سلمة، عن محمد بن إسحاق، عن سعيد بن أبي سعيد المقبري، عن أبيه عن عتبة بن عامر قال: بينما أنا أسير مع رسول الله -صلى الله عليه وسلم- بين الجحفة واليؤاب، إذ غشيته ريح وظلمة شديدة، ففعل رسول الله -صلى الله عليه وسلم- يتعوذ بـ ﴿قُلْ أَعُوذُ بِرَبِّ الْقَلْبِ﴾ و ﴿قُلْ أَعُوذُ بِرَبِّ الْقَلْبِ﴾ ويقول: «يا عتبة، تعوذ بهما، فما تعوذ بهما لمعهما» قال: وسمعته يؤمنا بهما في الصلاة

صحيح البخاري (836/8) [دار البشائر الإسلامية]

حدثني حبان، أخبرنا عبد الله، أخبرنا يونس، عن ابن شهاب، قال: أخبرني عروة، أن عائشة رضي الله عنها، أخبرته: «أن رسول الله صلى الله عليه وسلم كان إذا اشتكى نفث على نفسه بالمعوذات، ومسح عنه يده، فلما اشتكى وجعه الذي توفي فيه، طفقت أنفث على نفسه بالمعوذات التي كان ينثف، وأمسح بيد النبي صلى الله عليه وسلم عنه»

سنن الترمذي ت بشار (941/5) [الرسالة العلمية]

حدثنا يحيى بن المصيرة أبو سلمة المصيري، قال: حدثنا ابن أبي فديك، عن عبيد الرحمن بن أبي بكر الطليخ، عن زكارة بن مضعب، عن أبي سلمة، عن أبي هريرة، قال: قال رسول الله صلى الله عليه وسلم: «عَنْ قَرَأَ حَمَّ الْمُؤْمِنِينَ إِلَى إِيْتِهِ الْمَصِيرُ، وَآيَةَ الْكُرْسِيِّ، حُفِظَ بِهِمَا حَتَّى يَمُوتَ، وَمَنْ قَرَأَهُمَا حِينَ يَمُوتُ حُفِظَ بِهِمَا حَتَّى يُصْبِحَ»

صحيح البخاري (15/5) [دار البشائر الإسلامية]

وقال عثمان بن الهيثم أبو عمرو، حدثنا عوف، عن محمد بن سيرين، عن أبي هريرة رضي الله عنه، قال: وكنتي رسول الله صلى الله عليه وسلم يحفظ زكاة رمضان فأتاني آت ففعل يعضو من الطعام فأخذه، وقلت: والله لأرفعنك إلى رسول الله صلى الله عليه وسلم، قال: إني محتاج، وعلي عيال ولي حاجة شديدة، قال: فخلعت عنه، فأصبحت فقال النبي صلى الله عليه وسلم: «يا أبا هريرة، ما فعل أسيرك البارحة»، قال: قلت: يا رسول الله، شكا حاجة شديدة، وعيالا، فرحمته، فخلعت سبيله، قال: «أما إنه قد كنذك، وسيعود»، فعرفت أنه سيعود، لقول رسول الله صلى الله عليه وسلم إنه سيعود، فرصدته، فجاء يعضو من الطعام، فأخذه، فقلت: لأرفعنك إلى رسول الله، وهذا آخر ثلاث مرات، أنك زعم لا تعود، ثم تعود قال: دعني أعلمك كلمات ينفعك الله بها، قلت: ما هو؟ قال: إذا أويت إلى فراشك، فأقرأ آية الكرسي: ﴿اللَّهُ لَا إِلَهَ إِلَّا هُوَ الْحَيُّ الْقَيُّومُ﴾ [البقرة: 552]، حتى تختم الآية، فإنك لن يزال عليك من الله حافظ، ولا يقربك شيطان حتى تصبح، فخلعت سبيله، فأصبحت فقال لي رسول الله صلى الله عليه وسلم: «ما فعل أسيرك البارحة»، قلت: يا رسول الله، زعم أنه يعلمني كلمات ينفعني الله بها، فخلعت سبيله، قال: «ما هي»، قلت: قال لي: إذا أويت إلى فراشك فأقرأ آية الكرسي من أولها حتى تختم الآية: ﴿اللَّهُ لَا إِلَهَ إِلَّا هُوَ الْحَيُّ الْقَيُّومُ﴾ [البقرة: 552]، وقال لي: لن يزال عليك من الله حافظ، ولا يقربك شيطان حتى تصبح - وكانوا أحرص شيء على الخير - فقال النبي صلى الله عليه وسلم: «أما إنه قد صدقك وهو كذوب تعلم من تخاطب منذ ثلاث ليال يا أبا هريرة، قال: لا، قال: «ذاك شيطان»

سورة بني إسرائيل: 28

جامع الترمذي، ج 6، 71 [الرسالة العلمية]

جامع الترمذي، ج 6، 06 [الرسالة العلمية]

سنن أبي داود: 145 (مكتبة ريشدية)

حدثنا عثمان بن أبي شيبة، حدثنا أبو أسامة، حدثنا هاشم بن عاصم، عن عامر بن سعد بن أبي وقاص عن أبيه، عن النبي -صلى الله عليه وسلم-، قال: «مَنْ تَصَبَّحَ سَبَّحَ تَرَاتِبَ عَجَوَةٍ، لَمْ يَكُفِّرْ ذَلِكَ الْيَوْمَ شَيْئًا وَلَا يَسْخَرْ»

موطأ مالك ت الأعظمي

مالك، عن سفيان مولى أبي بكر، عن القطيع بن عكيم، أن كعب الأحمري قال: لولا كلمات أولهن لبعثتني يهود جماراً فقيل له: وما هن؟ فقال: أعوذ بوجه الله العظيم الذي ليس فيه أعظم منه، في كلمات الله العظام التي لا يجاوزهن بر ولا فاجر، في أسماء الله الحسنى كلها، ما علمت منها وما لم أعلم، من قرأ ما علق قديراً وذراً.

الدر المختار وحاشية ابن عابدين (رد المحتار) (363/6) [سعيد]
أقول: الذي رأيته في المتنين الثمينة المذكورة ما كان يغير القرآن، وقيل: هي الحزرة التي تعلّقها الجاهليّة اهد فلا ترجع نسخة أخرى. وفي المغرب وبعضهم يتوهم أنّ المغادبات هي الثعالب وليس كذلك إنّما الثمينة الحزرة، ولا بأس بالمغادبات إذا كُتِبَ فيها القرآن، أو أسماء الله تعالى.
السنن الكبرى للبيهقي (095/9)

عَبْرًا أَبُو عَبْدِ اللَّهِ الْخَافِظُ، وَأَبُو سَعِيدٍ بْنُ أَبِي عَمْرٍو قَالَا: ثَنَا أَبُو الْعَبَّاسِ، ثَنَا هَارُونُ، ثَنَا عَبْدُ الرَّحْمَنِ بْنُ مُهْدِيٍّ، عَنْ شُعْبَةَ، عَنْ قَتَادَةَ، عَنْ وَائِظِ بْنِ سَحْيَانَ، عَنْ أَبِي بَنِي جَابِرٍ، قَالَ: قَالَ عَبْدُ اللَّهِ رَضِيَ اللَّهُ عَنْهُ: مَنْ تَعَلَّقَ شَيْئًا وَكَلَّ إِلَيْهِ قَالَ: وَحَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مُهْدِيٍّ، عَنْ جَبْرِ بْنِ عَزَازٍ، قَالَ: سَمِعْتُ الْخَسَنَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: " مَنْ تَعَلَّقَ شَيْئًا وَكَلَّ إِلَيْهِ قَالَ: وَحَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مُهْدِيٍّ، عَنْ شُعْبَةَ، عَنِ الْحَجَّاجِ، عَنْ قُضَيْلٍ، أَنَّ سَعِيدَ بْنَ جُبَيْرٍ كَانَ يَكْتُبُ لِجَبْرِ الْمَغَادَةَ قَالَ: وَتَأَلَّاهُ عَطَاءُ قَالَ: مَا كُنَّا نَكْرَهُهَا إِلَّا خِيَلًا جَاعًا مِنْ قَبْلِكُمْ
السنن الكبرى للبيهقي (095/9)

21691 - أَخْبَرَنَا أَبُو زَكْرِيَّا بْنُ أَبِي إِسْحَاقَ، وَأَبُو بَكْرِ بْنُ الْقَسَنِ قَالَا: ثَنَا أَبُو الْعَبَّاسِ الْأَصَمُ، ثَنَا يَحْيَى بْنُ قَهْرٍ، ثَنَا ابْنُ وَهْبٍ، أَخْبَرَنِي نَافِعُ بْنُ زَيْدٍ، أَنَّهُ سَأَلَ يَحْيَى بْنَ سَعِيدٍ عَنِ الرَّقْعِ وَتَغْلِيْقِ الْكُتُبِ، فَقَالَ: كَانَ سَعِيدُ بْنُ الْمُسَيَّبِ يَأْمُرُ بِتَغْلِيْقِ الْقُرْآنِ وَقَالَ: لَا يَأْسُ بِهِ.

الدر المختار وحاشية ابن عابدين (رد المحتار) (363/6) [سعيد]
(قوله الثمينة المذكورة) أقول: الذي رأيته في المتنين الثمينة المذكورة ما كان يغير القرآن، وقيل: هي الحزرة التي تعلّقها الجاهليّة اهد فلا ترجع نسخة أخرى. وفي المغرب وبعضهم يتوهم أنّ المغادبات هي الثعالب وليس كذلك إنّما الثمينة الحزرة، ولا بأس بالمغادبات إذا كُتِبَ فيها القرآن، أو أسماء الله تعالى، ويُقال رَقْعَةُ الرَّاقِي رَقْعًا وَرَقْعَةً إِذَا عُوْدَتْ وَنُقِشَتْ فِي عَوْدَتِهَا قَالُوا: إِنَّمَا كُتِبَتْ الْعُوْدَةُ إِذَا كَانَتْ بِغَيْرِ لِسَانِ الْعَرَبِ وَلَا يُنْزَى مَا هُوَ وَلَعَلَّهُ يَدْخُلُهُ سِحْرٌ أَوْ عَجْرٌ أَوْ غَيْرُ ذَلِكَ، وَأَمَّا مَا كَانَ مِنَ الْقُرْآنِ أَوْ فَيَحِ مِنْ الدُّعَاةِ فَلَا يَأْسُ بِهِ اهد.

فتح الباري لابن حجر (022/01)، [دار الحديث]
وقد أجمع العلماء على جواز الرقعة عند اجتماع ثلاثة شروط أن يكون بآدم الله تعالى أو بأسمائه وصفاته وبألسان العربي أو بما يفرض مغتلة من غيره وأن يعتقد أنّ الرقعة لا تؤثر بذاتها بل بذات الله تعالى والحفظوا في كثرها شرطًا للراجع أنّه لا بدّ من اختيار الشروط المذكورة فهي ضامم مسلم من حديث عوف بن مالك قال قال الله تعالى في الجاهليّة قلنا يا رسول الله كيف ذرى في ذلك فقال اغرضوا عليّ وكافكم لا بأس بالرقعة ما لم يكن فيه شرك وله من حديث جابر بن عبد الله قال قال رسول الله صلى الله عليه وسلم عن الرقعة فبما آل عمرو بن حزم فقالوا يا رسول الله إنّك كائن عندنا رقعة ذرفي بها من العُشْبِ قال فغرضوا عليه فقال ما أرى بأشأ من استطاع أن ينفع أخاه فابتغوه وقد تركك قوم بهذا الغموم فأغاروا كل رقعة حُرِّثَتْ مَنَعَتْهَا وَلَوْ لَمْ يُعْقَلْ مَغْتَابُهَا لَكِنْ دَلَّ حَدِيثُ عَوْفٍ أَنَّهُ مَهْمَا كَانَ مِنَ الرُّقْعِ يُؤَدِّي إِلَى الشَّرِّ يَنْتَفِعُ بِمَنْعِهِ يُعْقَلُ مَغْتَابُهُ لَا يُؤْمَنُ أَنْ يُؤَدِّيَ إِلَى الشَّرِّ فَيَنْتَفِعُ بِخِيَاطِطِ الشَّرْطِ الْبَعْزُ لَا يَدُّ مِنْهُ

أحسن الفتاوى، 552/6، (سعيد)
فتاوى محمودية، 45/02، (فاروقية)

MASNOON DUAS IN NAFL SALAH

- Q** : 1) Can i recite duas in my salat?
2) What positions are best for dua in salat? (ie sajdah)
3) is there any recommendations in regard to particular duas?
4) What dua is to be made after durood sharif?
5) If i have completed Hajj are all sins forgiven including missed salats?
6) is prawns and squid permissible to eat? (the answers i can see are some say yes some say no?)
7) When reciting quran in salat what is the minimum length one must recite, (ie can you recite Ayat al kursi, the first 10 lines of surah baqarah etc.?)

A : 1. It is permissible to recite duas established from the Ahadith in nafl prayers. As far as Fardh prayers are concerned, you should restrict yourself to reciting the usual tasbeeh of

سبحان ربى العظيم

in Ruku and

سبحان ربى الاعلى

in Sajdah.

2. One may supplicate to Allah in any position of Salah. However, the state of prostration is the most humble and liked position to Allah so it will be recommended to make the duas in this position. It is also mentioned in Sahih Muslim:

فَأَمَّا الرُّكُوعُ فَعِظَمُوا فِيهِ الرَّبَّ عِزَّ وَجَلَّ، وَأَمَّا السُّجُودُ فَاَجْتَهِدُوا فِي الدُّعَاءِ، فَقَمِينَ أَنْ يُسْتَجَابَ لَكُمْ

So far as Ruk'u is concerned, extol (praise) in the Great and Glorious Lord, and while prostrating yourselves, be earnest in supplication (dua), for it is fitting that your supplications should be answered.

أَقْرَبُ مَا يَكُونُ الْعَبْدُ مِنْ رَبِّهِ وَهُوَ سَاجِدٌ، فَأَكْثِرُوا الدُّعَاءَ

The nearest a servant comes to his Lord is when he is prostrating himself, so make supplication (in this state).

3. Some of the duas that the Prophet Sallallahu Alayhi wasallam used to recite in Nafl Salawaat are as follows:

Ruku:

سُبْحَانَكَ اللَّهُمَّ رَبَّنَا وَبِحَمْدِكَ، اللَّهُمَّ اغْفِرْ لِي

اللَّهُمَّ لَكَ رَكَعْتُ، وَبِكَ آمَنْتُ، وَلَكَ أَسْلَمْتُ؛ خَضَعَ لَكَ سَمْعِي وَبَصَرِي وَمُخِّي وَعَظْمِي وَعَصْبِي

اللَّهُمَّ لَكَ رَكَعْتُ، وَبِكَ آمَنْتُ، وَلَكَ أَسْلَمْتُ؛ حَشَعْتُ سَمْعِي وَبَصَرِي وَمُخِّي وَعَظْمِي، وَمَا اسْتَغْنَيْتُ بِهِ قَدَمِي إِلَيْكَ رَبِّ الْعَالَمِينَ

سُبُّوحٌ قُدُّوسٌ، رَبُّ الْمَلَائِكَةِ وَالرُّوحِ

سُبْحَانَ ذِي الْجَبَرُوتِ وَالْمَلَكُوتِ، وَالْكِبَرِيَاءِ وَالْعِظَمَةِ

Qaumah/Standing after Ruku:

رَبَّنَا لَكَ الْحَمْدُ، حَمْدًا كَثِيرًا طَيِّبًا مُبَارَكًا فِيهِ، مِلءَ السَّمَوَاتِ وَمِلءَ الْأَرْضِ، وَمِلءَ مَا بَيْنَهُمَا، وَمِلءَ مَا شِئْتَ مِنْ شَيْءٍ بَعْدَ أَهْلِ الثَّنَاءِ وَالْمَجْدِ، أَحَقُّ مَا قَالَ الْعَبْدُ، وَكَلَّمْنَا لَكَ عَبْدٌ، لَا مَانِعَ لِمَا أَعْطَيْتَ، وَلَا مُعْطِي لِمَا مَنَعْتَ، وَلَا يَنْفَعُ ذَا الْجَدِّ مِنْكَ الْجَدُّ

سَمِعَ اللَّهُ لِمَنْ حَمِدَهُ، رَبَّنَا لَكَ الْحَمْدُ، مِلءَ السَّمَوَاتِ وَمِلءَ الْأَرْضِ وَمِلءَ مَا شِئْتَ مِنْ شَيْءٍ بَعْدَ

اللَّهُمَّ رَبَّنَا لَكَ الْحَمْدُ، مِلءَ السَّمَوَاتِ وَالْأَرْضِ، وَمِلءَ مَا شئتَ من شيءٍ بَعْدُ، أَهْلَ الثَّنَاءِ والمَجْدِ، أَحَقُّ مَا قَالَ الْعَبْدُ، وَكَلِمَاتُكَ عَزَبَتْ؛ اللَّهُمَّ لَا مَانِعَ لِمَا أَعْطَيْتَ، وَلَا مُعْطِيَ لِمَا مَنَعْتَ، وَلَا يَنْفَعُ ذَا الْجَدِّ مِنْكَ الْجَدُّ

ربنا لك الحمد ملء السموات وملء الأرض وما بينهما، وملء ما شئت من شيء بعد

رَبَّنَا وَلَكَ الْحَمْدُ، حَمْدًا كَثِيرًا طَيِّبًا مُبَارَكًا فِيهِ

Sajdah:

سُبْحَانَكَ اللَّهُمَّ رَبَّنَا وَبِحَمْدِكَ، اللَّهُمَّ اغْفِرْ لِي

سُبُّوحٌ قُدُّوسٌ، رَبُّ الْمَلَائِكَةِ وَالرُّوحِ

اللَّهُمَّ لَكَ سَجَدْتُ، وَبِكَ آمَنْتُ، وَلَكَ أَسْلَمْتُ، سَجَدَ وَجْهِي لِلَّذِي خَلَقَهُ وَصَوَّرَهُ، وَشَقَّ سَمْعَهُ وَبَصَرَهُ، تَبَارَكَ اللَّهُ أَحْسَنُ الْخَالِقِينَ

سُبْحَانَ ذِي الْجَبَرُوتِ وَالْمَلَكُوتِ وَالْكِبَرِيَاءِ وَالْعِظَمَةِ

سُبْحَانَكَ وَبِحَمْدِكَ، لَا إِلَهَ إِلَّا أَنْتَ

اللَّهُمَّ أَعُوذُ بِرِضَاكَ مِنْ سَخَطِكَ، وَبِمُعَافَاتِكَ مِنْ عُقُوبَتِكَ، وَأَعُوذُ بِكَ مِنْكَ لَا أَحْصِي ثَنَاءً عَلَيْكَ أَنْتَ كَمَا أَثْنَيْتَ عَلَى نَفْسِكَ

اللَّهُمَّ اغْفِرْ لِي ذُنُوبِي كُلَّهُ، دِقَّةَ وَجِلِّهِ، وَأَوَّلَهُ وَآخِرَهُ، وَعَلَانِيَتَهُ وَسِرَّهُ

Between two Sajdahs:

اللَّهُمَّ اغْفِرْ لِي وَارْحَمْنِي وَعَافِنِي وَاهْدِنِي وَارْزُقْنِي

4. There are many duas one may recite after durood Ibraheem. A few of the famous ones are:

اللَّهُمَّ إِنِّي أَعُوذُ بِكَ مِنْ عَذَابِ جَهَنَّمَ، وَأَعُوذُ بِكَ مِنْ عَذَابِ الْقَبْرِ، وَأَعُوذُ بِكَ مِنْ فِتْنَةِ الْمَسِيحِ الدَّجَالِ، وَأَعُوذُ بِكَ مِنْ فِتْنَةِ الْمَحْيَا وَالْمَمَاتِ

اللَّهُمَّ إِنِّي أَسْأَلُكَ يَا اللَّهُ الْأَحَدُ الصَّمَدُ، الَّذِي لَمْ يَلِدْ وَلَمْ يُولَدْ، وَلَمْ يَكُنْ لَهُ كُفُوًا أَحَدٌ، أَنْ تَغْفِرَ لِي ذُنُوبِي، إِنَّكَ أَنْتَ الْغَفُورُ الرَّحِيمُ

اللَّهُمَّ إِنِّي ظَلَمْتُ نَفْسِي ظُلْمًا كَثِيرًا، وَلَا يَغْفِرُ الذُّنُوبَ إِلَّا أَنْتَ، فَاعْفُ لِي مَغْفِرَةً مِنْ عِنْدِكَ، وَارْحَمْنِي إِنَّكَ أَنْتَ الْغَفُورُ الرَّحِيمُ

5. Although Hajj wipes out many sins a person commits in his lifetime due to the sincerity and tawba made in the Hajj , it remains compulsory upon a person who has missed prayers to make up these prayers in his lifetime. As these prayers were missed out of negligence, it is important to compensate these prayers with qadha and only qadha prayers. Shaykh Mulla Ali Qari Rahimullah expresses upon this in his commentary of Sahih al-Bukhari, Umdah al-Qari under the following Hadith:

مَنْ نَسِيَ صَلَاةً فَلْيُصَلِّ إِذَا ذَكَرَهَا، لَا كَفَّارَةَ لَهَا إِلَّا ذَلِكَ

If anyone forgets a prayer, he should pray that prayer when he remembers it. There is no expiation except to pray the same.

6. The Hanafi Jurists are unanimous that it is impermissible and Haram to consume squids. Consuming prawns is a highly contested issue amongst the Ulama. Whilst some do claim it to be Halal, we advise to abstain from it due to the following Hadith:

الْحَلَالُ بَيْنَ، وَالْحَرَامُ بَيْنَ، وَبَيْنَهُمَا مُشَبَّهَاتٌ لَا يَعْلَمُهَا كَثِيرٌ مِنَ النَّاسِ، فَمَنْ اتَّقَى الْمُشَبَّهَاتِ اسْتَبْرَأَ لِدِينِهِ وَعَرْضِهِ، وَمَنْ وَقَعَ فِي الشُّبُهَاتِ: كَرَأَى يَرَى حَوْلَ الْحَقِّ، يُوشِكُ أَنْ يُوَاقِعَهُ، أَلَا وَإِنْ لِكُلِّ مَلِكٍ حَقٌّ، أَلَا إِنَّ حَقِّي اللَّهِ فِي أَرْضِهِ مَخَارِئُهُ، أَلَا وَإِنْ فِي الْجَسَدِ مُضْغَةٌ: إِذَا صَلَحَتْ صَلَحَ الْجَسَدُ كُلُّهُ، وَإِذَا فَسَدَتْ فَسَدَ الْجَسَدُ كُلُّهُ، أَلَا وَهِيَ الْقَلْبُ

‘Both halal and haram things are evident but in between them there are doubtful (suspicious) things and most of the people have no knowledge about them. So whoever saves himself from these suspicious things saves his religion and his honor. And whoever indulges in these suspicious things is like a shepherd who grazes (his animals) near the Hima (private pasture) of someone else and at any moment he is liable to get in it. (O people!) Beware! Every king has a Hima and the Hima of Allah on the earth is His illegal (forbidden) things. Beware! There is a piece of flesh in the body if it becomes good (re-formed) the whole body becomes good but if it gets spoilt, the whole body gets spoilt and that is the heart.

7. The minimum length one must recite after Fatiha is one long ayah consisting of thirty letters at the least or three short ayahs. Accordingly, if one recites the Ayah al-Kursi or the first ten verses of Surah Baqarah after reciting Surah Fatiha, his Salah will be valid.

ذكر في العلانية: (وَلَيْسَ بَيْنَهُمَا ذِكْرٌ مُشْتَوٍ، وَكَذَا) لَيْسَ (بَعْدَ رَفْعِهِ مِنَ الرُّكُوعِ) دَعَاءُ وَكَذَا لَا يَأْتِي فِي رُكُوعِهِ وَسُجُودِهِ بِغَيْرِ التَّسْبِيحِ (عَلَى الْمَذْهَبِ) وَمَا وَدَّ مَشْمُولٌ عَلَى الثَّقَلِ
[رد المحتار، ج ١، ص ٥٠٥، سعید]

[فتاوى محمودية، باب صفة الصلاة، ج ٥، ص ٢١٦، فاروقية]

صحيح مسلم (1/ 843)

حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ، وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَزُهَيْرُ بْنُ حَرْبٍ، قَالُوا حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، أَخْبَرَنِي سَلِيمَانُ بْنُ سُحَيْمٍ، عَنْ إِسْرَاهِيمَ بْنِ عَبْدِ اللَّهِ بْنِ مَعْبُدٍ، عَنْ أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ، قَالَ: كَتَفَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الشَّاتِرَةَ وَالنَّاسُ صُفُوفٌ خَلْفَ أَبِي بَكْرٍ، فَقَالَ: «أَيُّهَا النَّاسُ، إِنَّهُ لَمْ يَمُقْ بَيْنَ عَمِيرَاتِ النَّبِيِّ إِلَّا الرُّؤْيَا الصَّالِحَةُ، يَرَاهَا الْمُسْلِمُ، أَوْ تُرَى لَهُ، أَلَا وَإِنِّي نُبَشِّرُ أَنْ أَقْرَأَ الْقُرْآنَ رَاكِعًا أَوْ سَاجِدًا، فَأَمَّا الرُّكُوعُ فَعَظُمُوا فِيهِ الرَّبُّ عِزًّا وَجَلًّا، وَأَمَّا السُّجُودُ فَاجْتَهِدُوا فِي الدُّعَاءِ، فَقَسِرُ أَنْ يَسْتَجْلِبَ لَكُمْ»

الأذكار للنووي ط ابن حزم (ص: 821)

وروي في "صحيح مسلم" [رقم: 284]، عن أبي هريرة رضي الله عنه، أن رسول الله -صلى الله عليه وسلم- قال: "أَقْرَبُ مَا يَكُونُ الْعَبْدُ مِنْ رَبِّهِ وَهُوَ سَاجِدٌ، فَأَكْثَرُوا الدُّعَاءَ". [وسيد برقم: 533]

الأذكار للنووي ط ابن حزم (ص: 121)

وثبت في "الصحيحين" [البخاري، رقم: 497؛ ومسلم، رقم: 484]، عن عائشة رضي الله عنها، أن رسول الله -صلى الله عليه وسلم- كان يقول في ركوعه وسجوده: "سُبْحَانَكَ اللَّهُمَّ رَبَّنَا وَبِحَمْدِكَ، اللَّهُمَّ اغْفِرْ لِي". يتناول القرآن. [راجع "رياض الصالحين" رقم: 411 حيث قال: معنى "يتناول القرآن" أي: يعمل ما أمر به في القرآن في قوله تعالى: {فَسَبِّحْ بِحَمْدِ رَبِّكَ وَسْتَغْفِرْهُ} "سورة النصر: 3". وسيد برقم: 123]

الأذكار للنووي ط ابن حزم (ص: 121)

الدر المختار وحاشية ابن عابدين (رد المحتار) (605/1)

وَقَبِلَ السَّخَنَاءُ «اللَّهُمَّ اغْفِرْ لِي وَارْحَمْنِي وَعَافِنِي وَاهْدِنِي وَأَرْزُقْنِي» زَوَاهُ أَبُو دَاوُدَ، وَحَسَنَةُ التُّوَيْي وَصَحَّحَهُ الْحَاكِمُ، كَذَا فِي الْجَلِيدِ

صحيح مسلم (314/1)

وَعَدْنَا غَيْبَةَ بَنِي سَعِيدٍ، عَنْ عَلِيٍّ بْنِ أَنَسٍ، لِيَمَّا فُرِغَ عَلَيْهِ عَنِ أَبِي الدُّبَيْرِ، عَنْ طَلُوسٍ، عَنْ ابْنِ عَمِيٍّ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يُعَلِّمُهُمْ هَذَا الدُّعَاءَ كَمَا يُعَلِّمُهُمُ السُّورَةَ مِنَ الْقُرْآنِ يَقُولُ: «اللَّهُمَّ إِنَّا نَعُوذُ بِكَ مِنْ عَذَابِ عِقَابِهِمْ، وَأَعُوذُ بِكَ مِنْ عَذَابِ الْغَيْرِ، وَأَعُوذُ بِكَ مِنْ فَتْنَةِ الْمَسِيحِ الدَّجَالِ، وَأَعُوذُ بِكَ مِنْ فِتْنَةِ الْمَغْيَا وَالْمَغَلَاتِ»

سنن أبي داود (952/1)

عَدْنَا غَيْبَةَ اللَّهِ بَنِي عَمْرِو أَبُو مَعْمَرٍ، عَدْنَا غَيْبَةَ الْوَارِثِ، عَدْنَا الْحَسَنُ الْمَعْلَمُ، عَنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ، عَنْ حَنْظَلَةَ بْنِ عَلِيٍّ، أَنَّ مِخْغَنَ بْنَ الْأَنْزَجِ، حَدَّثَهُ قَالَ: دَخَلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْمَسْجِدَ، فَإِذَا هُوَ بِرَجُلٍ قَدْ فَضَى صَلَاتَهُ، وَهُوَ يَقْعُدُ وَهُوَ يَقُولُ: «اللَّهُمَّ إِنِّي أَسْأَلُكَ يَا إِلَهَ الْأَعْدَاءِ الضُّمْدَ، الَّذِي لَمْ يَلِدْ وَلَمْ يُولَدْ، وَلَمْ يَكُنْ لَكَ كُفُوًا أَحَدٌ، أَنْ تَغْفِرَ لِي كُفُوبِي إِنَّكَ أَنْتَ الْغَفُورُ الرَّحِيمُ» قَالَ: فَقَالَ: «قَدْ غُفِرَ لَكَ، قَدْ غُفِرَ لَكَ، تَلَا

صحيح البخاري (661/1)

عَدْنَا غَيْبَةَ بَنِي سَعِيدٍ، قَالَ: عَدْنَا اللَّيْثُ، عَنْ زَيْدِ بْنِ أَبِي عَيْبٍ، عَنْ أَبِي الْغَيْثِ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو، عَنْ أَبِي بَكْرِ الصَّدِيقِ رَضِيَ اللَّهُ عَنْهُ: أَنَّهُ قَالَ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: عَلَّمَنِي دُعَاءَ أَذْعُو بِهِ فِي صَلَاتِي، قَالَ: «لَا، اللَّهُمَّ إِنِّي ظَلَمْتُ نَفْسِي ظُلْمًا كَثِيرًا، وَلَا يَغْفِرُ الْذُّبُورُ إِلَّا أَنْتَ، فَاقْفِزْ لِي مَغْفِرَةً مِنْ عِنْدِكَ، وَارْحَمْنِي إِنَّكَ أَنْتَ الْغَفُورُ الرَّحِيمُ»

فَوَلَّاهُ رَجْعَ كَيْفَ كَانَ وَلَدَتْهُ أُمُّهُ أَنْ يَقْبِرَ خَلْفَ وَظَاهِرُهُ لِقَرْنِ الشَّغَاوِ وَالْجَلَاوِ وَالْقَبَاوِ وَهُوَ مِنْ أَهْلِ الشَّوَاهِدِ لِغَيْبَةِ الْعَبَّاسِ بْنِ مِرْدَاسٍ الشُّصْرَحِ بِذَلِكَ وَلَهُ شَاهِدٌ مِنْ عِدَّتِ بْنِ عَمْرِو فِي تَقْسِيمِ الطَّبَرِيِّ

[فتح الباري، كتاب الحج، باب الحج للمبرور و باب المحصر، ج ٤١٣، ص ٥٢٣٣٤، دار الحديث]

[وكذا في عمدة القاري، ج ٧، ص ٧٥٤، المكتبة التوفيقية]

اعلم أن القضاء واجب بالسبب الذي وجب به الأداء فكل من الأداء والقضاء تسليم عين الواجب إلا أن الأداء تسليم عين الواجب في وقته والقضاء تسليم عين الواجب بعد غروب الوقت وهذا هو الراجح وقيل يجب القضاء بسبب جنيد وإن المؤدى مثل الواجب وليس لهذا الخلاف فمرة إذا علمت هذا تعلم أن قوله مثل ما عنده جرى على غير الراجح والتأخير بلا عذر كبيرة لا تزول بالقضاء بل بالتوبة أو الحج فالقضاء مزيل للإثم التارك لا لإثم التأخير والإعادة فعل مثله في وقته لخلل غير الفساد لقولهم كل صلاة أدبت مع كراهة التعرير تعاد أي وجوبها في الوقت وأما بعده فندبا وقوله إسقاط الواجب يفيد أن السنة لا توصف بالقضاء وإذا أريد ما هو أهم أبدا الواجب بالعبادة فيقال الأداء فعل العبادة وفيها والإعادة فعل مثلها لخلل غير الفساد وغير عدم صحة الشروع والقضاء فطها بعد وفيها فكون السنة التي تفعل في وقتها إدام

[حاشية الطحطاوي على مراقي الفلاح، باب فبا الفوائت ج ١، ص ٣٣، دار فبا]

صحيح البخاري (221/1)

عَدْنَا أَبُو نَعْمَانٍ، وَهُوَ بَنِي إِسْمَاعِيلَ، قَالَ: عَدْنَا هُمْلَمُ، عَنْ قَتَادَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ، عَنْ أَبِي الدُّبَيْرِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ [ص 321] قَالَ: "عَنْ نَبِيِّ صَلَاةٍ قَالِيْهُ إِذَا دَخَرْنَا، لَا كَلَامَةَ لَهَا إِلَّا ذَلِكَ [وَأَقِمِ الصَّلَاةَ لِإِيْرِي] [طه: 41] " قَالَ مُوسَى: قَالَ هُمْلَمُ: سَمِعْتُهُ يَقُولُ: يَغْدُو: «وَأَقِمِ الصَّلَاةَ لِلدُّخْرَى»، قَالَ أَبُو عَبْدِ اللَّهِ: وَقَالَ عِيَّانُ: عَدْنَا هُمْلَمُ، عَدْنَا قَتَادَةَ، عَدْنَا أَنَسُ، عَنْ أَبِي الدُّبَيْرِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَحْوَهُ

عمدة القاري شرح صحيح البخاري (49/5)

وَأَيْضًا إِنَّهُمْ لَا تَوْعَمُوا أَنْ فِي هَذَا الْفَعْلِ كَلَامَةً، بَلْ لَهُمْ أَنْ لَا كَلَامَةَ فِيهَا، وَإِنَّمَا يَجِبُ الْقَضَاءُ قَطْعًا مِنْ غَيْرِ فَنَحْنُ آخِرُ... الخ: فِيهِ دَلِيلٌ أَيْضًا أَنَّ الصَّلَاةَ لَا تَجِبُ وَالْقَالَ كَمَا يَغْيِرُ الصُّومَ وَغَيْرَهُ، أَلَمْ يَكُنْ إِذَا كَلَفَتْ عَلَيْهِ صَلَاتٌ فَلَيْتَهُ فَمَضَاهُ الْمَوْتَ فَاوْصَى بِالْفِدْيَةِ عَنْهُ فَلَيْتَهُ يَجُوزُ كَمَا بَيْنَ فِي (الْمَرْوَعِ) (وَلَا يَجَلُ) (خَيَّوْنُ) عَالِي (إِلَى الشُّكِّ)

[رد المحتار ج ٦ ص ٦٠٢، إيج إيم سعيد]

فَالْعَيَّوْنُ فِي الْأَمْرِ نَوْعَانِ: نَوْعٌ يَعْيِشُ فِي الْبَحْرِ، وَنَوْعٌ يَعْيِشُ فِي الْبَرِّ أَيْ الَّذِي يَعْيِشُ فِي الْبَحْرِ فَيَجْمَعُ مَا فِي الْبَحْرِ مِنَ الْعَيَّوْنِ مَعَهُ الْأَمْرُ إِلَّا الشُّكَّ خَاصَّةً فَلَيْتَهُ يَجَلُ أَكْثَرُهُ إِلَّا مَا طَقَا مِنْهُ وَهَذَا قَوْلُ أَصْحَابِنَا - رَضِيَ اللَّهُ عَنْهُمْ [إندفاع الصنائع ج ٦ ص ٣٧١، دار الكتب العلمية]

عَدْنَا أَبُو نَعْمَانٍ، عَدْنَا كَرْكَمَةُ، عَنْ عَامِرٍ، قَالَ: سَمِعْتُ النَّعْمَانَ بْنَ بَيْعِي يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: "الْعَلَّالُ بَيْنَ وَالْعَرَامِ بَيْنَ، وَبَيْنَهُمَا مُنْهَبَاتٌ لَا يُعْلَمُهَا كَثِيرٌ مِنَ النَّاسِ، فَهَنَ الْكَلْبُ لِلْمُنْهَبَاتِ اسْتَبْرَأَ لِدَيْبِهِ وَغَيْرِضِهِ، وَمَنْ وَفَّقَ فِي الْمُنْهَبَاتِ: كَرَّاعَ يَزْعُو حَوْلَ الْجَمْرِ، يُوْجِدُ أَنْ يُوْافِقَهُ، أَوْ أَرَادَ لِكُلِّ مَلِكٍ مَلِكٍ جَمِيٍّ، أَوْ إِنْ جَمِيَ إِلَهُ فِي أَرْضِهِ مَخَافَتُهُ، أَوْ دَارُ فِي الْجَبَدِ مَخَافَتُهُ، إِذَا صَلَحَتْ صَلَحَ الْجَسَدُ كُلُّهُ، وَإِذَا فَسَدَتْ فَسَدَ الْجَسَدُ كُلُّهُ، أَلَا وَهِيَ الْقَلْبُ

[صحيح البخاري، كتاب الإيمان، باب فضل من استبرأ لدينه، ج ١، ص ١٠٢، دار طوق النجاة]

(قَوْلُهُ تَقْدِيرُ تَلَا فِيْمَارًا) أَيْ يَتَلَا - (لَمْ تَنْظُرْ) - (لَمْ يَهَيَّ تَلَاوُنَ عَرَفًا، فَلَوْ قَرَأَ آيَةً طَوِيلَةً فَتَرَ تَلَاوُنَ عَرَفًا يَكُونُ قَدْ آتَى بِقَدْرِ ثَلَاثِ آيَاتٍ

[رد المحتار ج ١، ص ٩٥٤، سعيد]

IBADAH DURING THE MONTH OF SAFAR

Q: Is there any special thing linked with the month of SAFAR after the month of Muharam. As it is beleived that month of SAFAR is a hard month. And there is a hadith associated about this month that means somehow like...who ever gives the news of the end of SAFAR month, will be rewarded. As in this month hardships come and Messengers of Allah suffered hardships in this month. So there are special NAWAFIL to perform in this month, and for ever month as well. there are some special NAWAFIL of 4 RAKAT with some particular surrah has to be recited about 50 or 100 time. Is it varified in Sunnah or not. Some group of people strictly follow it and other strictly oppose it. let us know about the truth according to Hanafi School of fiqh.

Another Question is that Haaji's Duas are accepted after 40 days of his hajj. Is it true? I read a hadith explained by HAZART UMAR in FAZAIL-e-AAmal, that till 10th of RABI UL AWAL, hajji's duas are accepted for forgivness for himself and for others. Is it sahih hadith?

A: Mufti Taqi Uthmani (may Allah bless him) states in his book "Islamic Months" regarding the month of Safar: "...no specific mode of worship or other special rules are set by the Shari'ah to observe this month.

Some people believe that this month is an unlucky month, therefore, they avoid to hold marriage ceremonies or any other happy gatherings in this month. This belief is totally baseless and it is a part of the superstitions rampant in the ignorant of Arabia before the advent of Islam.

The Holy Prophet (sallallahu alaihi wa sallam) eradicated all such superstitious beliefs. Specifically in the case of the month of Safar, he expressly said,

لا صفر

(To hold) the month of Safar (as unlucky) is nothing. Therefore, Muslims should not give ear to such superstitions. There is no problem in holding marriages, etc. in this month.

In conclusion, there is no basis for considering the month of Safar to be “the month of suffering”, nor are there any special nawafil to pray during this month. The door to pray nawafil is always opened for those who seek the closeness of Allah Ta’ālā. The Holy Prophet (sallallahu alaihi wa sallam) relates in a hadith that Allah the Almighty says:

مَا تَقَرَّبَ إِلَيَّ عَبْدِي بِشَيْءٍ أَحَبَّ إِلَيَّ مِمَّا افْتَرَضْتُ عَلَيْهِ، وَمَا يَزَالُ عَبْدِي يَتَقَرَّبُ إِلَيَّ بِالنَّوَافِلِ حَتَّى أُحِبَّهُ فَإِذَا أَحْبَبْتُهُ: كُنْتُ سَمْعُهُ الَّذِي يَسْمَعُ بِهِ، وَبَصَرُهُ الَّذِي يَبْصُرُ بِهِ، وَيَدُهُ الَّتِي يَبْطِشُ بِهَا، وَرِجْلُهُ الَّتِي يَمْشِي بِهَا، وَإِنْ سَأَلَنِي لَأُعْطِيَنَّهُ، وَلَئِنْ اسْتَعَاذَنِي لَأُعِيذَنَّهُ

And the most beloved things with which My slave comes nearer to Me, is what I have enjoined upon him; and My slave keeps on coming closer to Me through performing Nawafil (praying or doing extra deeds besides what is obligatory) till I love him, so I become his sense of hearing with which he hears, and his sense of sight with which he sees, and his hand with which he grips, and his leg with which he walks; and if he asks Me, I will give him, and if he asks My protection (Refuge), I will protect him... [Sahih al-Bukhari, 6502, Chapter regarding humility or modesty or lowliness]

The hadith you refer to regarding the duas of the Hajis being accepted after hajj is as follows:

عَنْ مُجَاهِدٍ، قَالَ: قَالَ عُمَرُ: «يُغْفَرُ لِلْحَاجِّ وَلِمَنْ اسْتَغْفَرَ لَهُ الْحَاجُّ بِقَبِيلَةِ ذِي الْحِجَّةِ وَالْمَحَرَّمِ وَصَفَرٍ وَعَشْرِ مِنْ شَهْرِ رَبِيعِ الْأَوَّلِ»

Mujahid (may Allah have mercy on him) narrates from ‘Umar (may Allah be pleased with him) that he said: A Haji and those he makes du’a for are given pardon (from Allah) for the remainder of the month Dhul Hijjah, the month of Muharram, the month of Safar, and the first ten days of Rabi’ al-Awwal. [Musannaf ibn Abi Shaybah, 12657, The Book of Hajj: What has been said in regards to the reward of Hajj]

While we acknowledge that there are academic objections on the narrators (Raawi) and on the chain (Sanad) of the hadith, such discussions are for academic consumption for people specializing in hadith and are rendered in the footnotes for the benefit of such persons.

In brief, the objections on the hadith are satisfactorily overcome and the hadith in reference is regarded as reliable. A haji’s dua for forgiveness for others is accepted till the end of Dhul Hijjah, the whole of Muharram, the whole of Safr and ten or twenty days of Rabi’ al-Awwal. This expresses the high and lofty position of a haji in the right of Allah Ta’ālā.

وقالت طائفة: بل المراد بصفر شهر ثم اختلفوا في تفسيره على قولين: أحدهما: أن المراد نفي ما كان أهل الجاهلية يفعلونه في النسيء فكانوا يطلون المحرم ويحرمون صفر مكانه وهذا قول مالك. والثاني: أن المراد أن أهل الجاهلية كانوا يستنشقون بصفر ويقولون: إنه شهر مشنوم فأبطل النبي صلى الله عليه وسلم ذلك وهذا حكاية أبو داود عن محمد بن راشد المكحولي عن سمعه يقول ذلك ولعل هذا القول أشبه الأقوال وكثير من الجهال يتشاهم بصفر وربما ينهى عن السفر فيه والتشاؤم بصفر هو من جنس الطيرة للمنى عنها

(لطائف المعارف، ص ٨٤١، دار ابن كثير)

Sahih al-Bukhari, 5707, Chapter regarding Leporasy
Islamic Months by Mufti Taqi Uthmani, pg. 23, Idaratul Maarif

There are two main issues in regards to the isnad (chain of narration) of this hadith. Below we will attempt to outline these issues and shed light on the matter regarding this hadith.

- (1) Inqita' (broken chain of narration): Imam Mujahid (may Allah have mercy on him) was born in the year 21 AH[1] and 'Umar (may Allah be pleased with him) passed away in the beginning of the year 23 AH[2]. This would mean that Imam Mujahid (may Allah have mercy on him) must have heard the hadith while he was only two years old. Therefore, Imam Mujahid (may Allah have mercy on him) must have heard this saying of 'Umar (may Allah be pleased with him) through another person and then narrated it further.

Due to this inqita' the isnad of this hadith will be affected but it does not mean that this hadith is completely unreliable.[3] Imam Mujahid (may Allah have mercy on him) was a great Tabi'i and Mufassir of the Quran. He was considered to be a very authentic narrator of hadith according to many muhaddithin[4] As such, his narration of this hadith still holds weight amongst the muhaddithin, especially if it is corroborated by ahadith of similar meaning as we will discuss below.

- (2) This hadith contains a narrator in the sanad (chain) by the name of Laith ibn Abi Sulaim who is regarded to be weak amongst the majority of the muhaddithin.[5] Nevertheless, the great muhaddith and Imam of al-jarh wa ta'dil (the art of disparaging narrators), Imam Adh-Dhahabi, states in his book Siyar 'Aslam an-Nubala after narrating the views of the muhaddithin in regards to Laith:

يَقْضُ الْأَجَلُ يُحَسِّنُ لِلَّيْثِ، وَلَا يَبْلُغُ عَيْدَهُ مَرْثِيَّةَ الْحَسَنِ، بَلْ عِزَّادَهُ فِي مَرْثِيَّةِ الضَّعِيفِ الْمَقَارِبِ، قَرَّوَى فِي الشُّوَاهِدِ وَالْإِتِّبَارِ، وَفِي الرَّغَائِبِ وَالْفَضَائِلِ، أَمَّا فِي الْوَاجِبَاتِ، كَلَّا.

Some scholars consider Laith to be a good narrator[6] even though his ahadith do not reach the level of "Hasan". In actuality, he is regarded to be amongst the category of "ad-daef al-muqarab"; therefore, his narration may be used in 'shawahid', 'itibar' (to corroborate another hadith), 'raghaib' (ahadith encouraging good deeds), and 'fadail' (ahadith regarding virtues). As far as those ahadith that pertain to 'wajibat' (judicial rulings), his ahadith may not be used.[7] It is clear from Imam Dhahabi's statement that even though Laith is a weak narrator, there is no harm in using a hadith narrated from him in regards to fadail (virtues).

Furthermore, there are other ahadith that support the meaning of this hadith.

- a) Imam al-Bazzar narrates in his musnad on the authority Abu Hurayrah (may Allah be pleased with him) that the Holy Prophet (sallallahu alaihi wa sallam) said:

يُغْفَرُ لِلْحَاجِّ وَلَمَنْ اسْتَغْفَرَ لَهُ الْحَاجُّ

A Haji and those he makes du'a are given pardon (from Allah). [Musnad al-Bazzar, 9726, Chapter on the Musnad of Abu Hamzah Anas bin Malik]

This hadith contains a narrator by the name of Sharik bin Abdillah who is classified as weak by some muhaddithin.[8]

- b) Imam al-Baihaqi narrates in his book Shu'abul al-Iman[9], Imam Abu Bakr ibn Abi Shaybah narrates in his Musannaf[10], and Imam Hakim narrates in his Mustadrak on the authority of Abu Hurairah (may Allah be pleased with him) that the Holy Prophet (sallallahu alaihi wa sallam) said:

اللَّهُمَّ اغْفِرْ لِلْحَاجِّ، وَلَمَنْ اسْتَغْفَرَ لَهُ الْحَاجُّ

O Allah, forgive the Hajis and (forgive) those who the Hajis make du'a for! [Mustakrak of Imam Hakim, 1612, The Book of Manasik]

This hadith also contains Sharik bin 'Abdillah who is classified as a weak narrator by muhaddithin.[11] Although, this hadith has a shahid that provides support to this hadith. Imam Isma'il bin Muhammad at-Taymi narrates the same hadith in his book At-Tarqhib Wa At-Tarhib with a different narrator[12] by the name of Shayban.[13] The narration in this book is mursal (i.e. a Tabi'i is narrating a hadith directly from the Holy Prophet (sallallahu alaihi wa sallam) without mentioning the name of a Sahabi

in the chain of narration), but the Tabi'i narrating this hadith is the famous Mufasssir and student of 'Abdullah bin 'Abbas (may Allah be pleased with him), Mujahid bin Jabr (may Allah have mercy on him). As stated before, his narrations still hold much weight in front of muhaddithin due to his great status and authenticity in narrations.[14]

After analyzing the isnad and details of this hadith, we can conclude that there are issues regarding the strength of this hadith in terms of the isnad. On the other hand, the hadith mentioned by Sheikh al-Hadith (may Allah have mercy on him) in Fazail-e-Hajj is a hadith regarding the virtue of one who performs hajj. The scholars of ahadith are less restricted when narrating ahadith in regards to fadhail (virtues)[15] especially when they are corroborated by other ahadith of the same meaning. Imam as-Suyuti mentions in his book Tadrīb ar-Rawī:

(وَيَجُوزُ عِنْدَ أَهْلِ الْحَدِيثِ وَغَيْرِهِمُ الْمُسَاهُلُ فِي الْأَسَانِيدِ الضَّعِيفَةِ (وَرَوَايَةُ مَا سَوَى الْمُضْمُوعِ مِنَ الضَّعِيفِ وَالْعَمَلُ بِهِ مِنْ غَيْرِ بَيَانِ ضَعْفِهِ فِي غَيْرِ صِفَاتِ اللَّهِ تَعَالَى) ذَلِكَ كَالْقَصَصِ وَقِصَالِ الْأَنْمَالِ وَالْمَوَاطِئِ، وَغَيْرِهَا (مِمَّا لَا تَعَلُّقُ لَهُ بِالْعُقَايِدِ وَالْأَعْكَامِ).

According to the scholars of hadith and others, it is fine to have leniency in regards to chains of narration that are weak and to narrate those weak narrations that are not fabricated. And (it is also fine) to act upon it without indicating its weakness. And this is referring to (ahadith about) Qisas (narratives), Fadhail al-'amal (virtues of actions), and Mawa'idh (advices and admonitions), etc. [Tadrīb ar-Rawī, The Twenty Second type of Hadith: Maqlub]

Based on the analysis above, we come to the following points:

- (1) The isnad of this hadith contains inqita' and therefore is inconsistent, but the inconsistency is coming from a renowned Tabi'in and great mufasssir Imam Mujahid (may Allah have mercy on him). As such, this inconsistency will not render the hadith as completely unreliable especially when this hadith is corroborated by other ahadith of the same meaning.
- (2) The narrator Laith bin Abi Sulaim is a weak narrator, but he is still classified as hasan by some. Furthermore, Imam Dhahabi clearly states that there is no harm in narrating ahadith from him in regards to virtues of good deeds. The hadith in reference is of this category.
- (3) The muhaddithin are more lenient in narrating ahadith of virtues. This not only substantiates point two, but it further clarifies as to why Sheikh Zakariyya (may Allah have mercy on him) narrated such a hadith. The book in question is named "The virtues of Hajj"; therefore, it was feasible to narrate a hadith regarding the virtue of a Haji without having a need to delve into the intricacies regarding the authenticity of the hadith.

[1] أما مجاهد فقد ولد سنة ١٢ و توفي سنة ٣٠١ هجرية
(موسوعة الإسرائيليات والموضوعات في كتب التفسير، ج ١، ص ٢٥، دار الغد الجديد)

[2] روى أبو بكر بن إسماعيل بن محمد بن سعد، عَنْ أَبِيهِ، أَنَّهُ قَالَ: طَعَنَ عُمَرُ يَوْمَ الْأَرْبَعَاءِ لِأَرْبَعِ لَيَالٍ يَقِينُ مِنْ ذِي الْحِجَّةِ، سَنَةَ ثَلَاثٍ وَعَشْرِينَ، وَدَفَنَ يَوْمَ الْأَحَدِ صَابِحًا هَالًا الْمَحْرَمَ سَنَةَ أَرْبَعٍ وَعَشْرِينَ، وَكَانَتْ خَلَّافَهُ عَشْرَ سِنِينَ، وَخَمْسَةَ أَشْهُرٍ، وَاحِدًا وَعَشْرِينَ يَوْمًا
(أسد الغابرة، ج ٢، ص ٢٤٣)

[3] رأي ابن رجب في الاحتجاج بالمرسل:
بعد أن ذكر ابن رجب هذين المذهبين حاول التوفيق بينهما فقال: "وأعلم انه لا تنافي بين كلام الحفاظ وكلام الفقهاء في هذا الباب، فإن الحفاظ إنما يريدون صحة الحديث المعنى إذا كان مرسلًا، وهو ليس بصحيح على طريقتهم، لانتقاعه وعدم اتصال إسناده. وأما الفقهاء فمرادهم صحة ذلك للعبء الذي دل عليه الحديث فإذا عضد ذلك بالمرسل قرأتين تدل على أنه له أصلاً قوي الظن بصحة ما دل عليه فاحتج به مع ما احتج به من القرأتين.

قال ابن رجب: "وهذا هو التحقيق في الاحتجاج بالمرسل عند الأئمة، كالشافعي وأحمد وغيرهما مع أن في كلام الشافعي ما يقتضي صحة المرسل حيث".
(شرح علل الترمذي، ٨٨١ المكتبة الشاملة)

[4] وَقَالَ مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْأَنْصَارِيُّ (١) عَنْ أَبِي اللَّيْثِ الْفَضْلِ بْنِ مَيْمُونٍ: سَمِعْتُ مَجَاهِدًا يَقُولُ: عُرِضَتْ الْقُرْآنُ عَلَى ابْنِ عَبَّاسٍ ثَلَاثِينَ مَرَّةً. وَقَالَ عَبْدُ السَّلَامِ بْنُ حَرْبٍ (٢)، عَنْ خُصَيْفٍ: كَانَ أَعْلَمُهُمْ بِالتَّفْسِيرِ مَجَاهِدٌ، وَبِالْحَجِّ عَطَاءٌ.

وَقَالَ أَبُو نَعِيمٍ (3) : قَالَ يَحْيَى الْقَطَانُ: مُرْسَلَاتٌ مُجَاهِدٌ أَحَبَّ إِلَيَّ مِنْ مُرْسَلَاتٍ عَطَاءَ بَكْتِيرٍ.
وَقَالَ إِسْحَاقُ بْنُ مَنْصُورٍ (4) عَنْ يَحْيَى بْنِ مَعِينٍ، وَأَبُو زُرْعَةَ (5) : ثَقَّةٌ
وَقَالَ أَبُو عُثَيْبٍ الْأَجْرِيُّ (6) : هَلْتُ لِأَبِي دَاوُدَ: مَرَسِيلُ عَطَاءَ أَحَبُّ إِلَيْكَ (7) أَوْ مَرَسِيلُ مُجَاهِدٍ؟ قَالَ: مَرَسِيلُ مُجَاهِدٍ، عَطَاءُ كَانَ يَحْمِلُ عَنْ كُلِّ ضَرْبٍ.
وَقَالَ سُفْيَانُ الثَّوْرِيُّ (8) عَنْ سَلَمَةَ بْنِ كَهِيلٍ: مَا رَأَيْتُ أَحَدًا أَرَادَ بِهَذَا الْعِلْمِ وَجْهَ اللَّهِ إِلَّا عَطَاءَ وَطْلُوْسَ، وَمُجَاهِدًا.
(تهذيب الكمال في أسماء الرجال، ٢٨٧٥، مجاهد بن جبر)

[5] [قال الشيخ محمد عوامة في تعليقه على المصنف لابن أبي شيبة] و ليث: هو ابن أبي سليم، و هو ضعيف الحديث
(المصنف لابن أبي شيبة مع تحقيق الشيخ محمد عوامة، ١٠٠٨٢٦، ج ٨، ص ٩٢، دار قرطبة)؛

قَالَ أَحْمَدُ بْنُ حَنْبَلٍ: لَيْثُ بْنُ أَبِي سَلَيْمٍ مُضْطَرِبُّ الْحَدِيثِ، وَلَكِنْ حَدَّثَ عَنْهُ الثَّامِسُ.
وَقَالَ: مَا رَأَيْتُ يَخْتَلِي بَيْنَ سَعِيدٍ أَوْ رَأَى فِي أَحَدٍ، مِنْهُ فِي لَيْثٍ، وَإِنِّي إِسْحَاقُ، وَهُمْ لَمْ لَا يَسْتَطِيعُ أَحَدٌ أَنْ يُزَاجِعَهُ فِيهِمْ.
قَالَ عَبْدُ اللَّهِ: قَالَ لِي يَحْيَى بْنُ مَعِينٍ: لَيْثٌ أَضْعَفُ مِنْ يَزِيدَ بْنِ أَبِي زَيْدٍ، يَزِيدٌ قَوْفَهُ فِي الْحَدِيثِ.
وَرَوَى: مُعَاوِيَةُ بْنُ صَالِحٍ بَيْنَ يَحْيَى، قَالَ: لَيْثٌ ضَعِيفٌ، إِلَّا أَنَّهُ يُحْتَجُّ عِدَّتُهُ.
وَقَالَ الْفَلَاحِيُّ وَغَيْرُهُ: كَانَ يَخْتَلِي الشَّارِقُ لَا يُحَدِّثُ عَنْ لَيْثٍ، وَلَا عَجَّاجٌ بَيْنَ أَرْطَلَةَ، وَكَانَ عَبْدُ الرَّحْمَنِ يُحَدِّثُ عَنْ سُفْيَانَ وَغَيْرِهِ، عَنْهُمَا
وَقَالَ ابْنُ الْمَدِينَةِ: وَغَيْرُهُ، سَمِعْتُ يَحْيَى يَقُولُ: مُجَاهِدٌ أَحَبُّ إِلَيَّ مِنْ لَيْثٍ وَعَجَّاجٍ.
يَحْيَى بْنُ سَلِيمَانَ: عَنْ أَبِي إِدْرِيسَ، قَالَ:
مَا جَلَسْتُ إِلَى لَيْثٍ بَنِي أَبِي سَلِيمٍ، إِلَّا سَمِعْتُ مِنْهُ مَا لَمْ أَسْمَعْ مِنْهُ.
قَالَ عَبْدُ الْمَلِكِ أَبُو الْحَسَنِ الْمِثْمُونِيُّ: سَمِعْتُ يَحْيَى ذَكَرَ لَيْثَ بْنَ أَبِي سَلِيمٍ، فَقَالَ:
ضَعِيفُ الْحَدِيثِ عَنْ طَاوُوسٍ، فَإِذَا جَمَعَ طَاوُوسٌ وَغَيْرُهُ، فَالْإِثْبَاتُ هُوَ ضَعِيفٌ.
(سير أعلام النبلاء للذهبي، ٤٨- لَيْثُ بْنُ أَبِي سَلِيمٍ بَيْنَ زَيْنِ الْأَمَوِيِّ مَوْلَاهُمْ)؛

وَقَوْلُهُ فِي الصَّلَاحَةِ: وَيُذَكَّرُ عَنْ أَبِي هُرَيْرَةَ رَفَعَهُ، «لَا تَقَطُّوا إِيَّامِي فِي شَكَايِهِ»، وَقَالَ غَيْثٌ: وَلَمْ يَصُغْ، وَهَذِهِ غَادَتُهُ فِي ضَعِيفٍ لَا غَايِدَ لَهُ مِنْ مُوَافَقَةِ إِسْحَاقَ أَوْ نَعْوِهِ، عَلَى
أَنَّهُ فِيهِ قِيلٌ جَدًّا، وَالْخَبِيرُ أَخْرَجَهُ أَبُو دَاوُدَ مِنْ طَرِيقِ اللَّيْثِ بْنِ أَبِي سَلِيمٍ عَنِ الْعَجَّاجِ بَيْنَ عُبَيْدٍ عَنِ إِبْرَاهِيمَ بْنِ إِسْمَاعِيلَ، عَنْ أَبِي هُرَيْرَةَ، وَلَيْثٌ ضَعِيفٌ
(تدريب الراوي للسيوطي، ج ١، ص ٢٣٦، دار طيبة)؛

قَالَ الشُّعْبِيُّ: وَقَدْ أَخْبَرَنَا أَبُو عَبْدِ اللَّهِ الْعَافِطُ، ثَنَا أَبُو الْوَلِيدِ الْقَبِيضِيُّ، ثَنَا الْحَسَنُ بْنُ سُفْيَانَ، ثَنَا أَبُو بَكْرٍ بْنُ أَبِي شَيْبَةَ، ثَنَا عَبْدُ الرَّحِيمِ بْنُ سَلِيمَانَ، عَنْ لَيْثٍ، عَنْ عَبْدِ الرَّحْمَنِ
بْنِ السُّدِّيِّ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ، قَالَ: خَرَجْتُ مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِحَاجَتِهِ فَقَالَ: «إِيَّانِي يَحْيَى أَشْتَجِي بِهِ، وَلَا تُفَرِّقْنِي عَنَّا وَلَا زَجِيعًا». [ص: 671]
وَهَذِهِ الرَّوَايَةُ إِنَّمَا ضَعُفَتْ تَقْوِيَةً رَوَايَةً لِي إِسْحَاقَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْأَسَدِ، إِذْ لَمْ يَلَيْثُ بْنُ أَبِي سَلِيمٍ ضَعِيفٌ
(السنن الكبرى للبيهقي، ٧٣٥، جماع أبواب الاستطالة)

[6] The narrations of Layth ibn Abi Sulaym (d. 140 H) were used as supporting evidence in Sahih al-Bukhari and Sahih Muslim, though not as independent proof. His narrations are found in the four Sunan, and many prominent authorities of hadith took hadith from him, including Shu'bah ibn al-Hajjaj and Sufyan al-Thawri. Yahya ibn Ma'in said "there is no harm in him" (which for him is equivalent to thiqah). Imam al-Tirmidhi graded some of his hadiths hasan, and he reported from his teacher, Imam al-Bukhari, that he said, "Layth ibn Abi Sulaym is reliable (saduq) and sometimes he would err in something" (al-Jami' al-Kabir, Dar al-Ma'arif, 4:497). However, most critics said there is weakness in his hadiths as he would mix-up his narrations, sometimes making a mawquf hadith marfu' or narrating from 'Ata', Mujahid and Tawus what he only heard from one of them. In fact, al-Daraqutni (d. 385) stated that this confusion in the chain was the only reason why many scholars disapproved of him (Fath al-Mulhim, 1:314). Hence, his weakness is only slight. Based on this, Mawlana Zafar Ahmad al-'Uthmani concluded that his hadiths are hasan. (I'tla as-Sunan, vol. 6, pg. 85)

[7] سير أعلام النبلاء للذهبي، ٤٨- لَيْثُ بْنُ أَبِي سَلِيمٍ بَيْنَ زَيْنِ الْأَمَوِيِّ مَوْلَاهُمْ

[8] وقال الجوزجاني: ميه الجفط مضطرب الحديث، ماثل.
قُلْتُ: فِيهِ ضَعْفٌ خَفِيفٌ عَلَى قَاعِدَةِ أَهْلِ بَيْتِهِ.
وَكُلٌّ مِنْ بَيْتِ الْقَهْقَارِ، وَبَيْنَهُ وَبَيْنَ الرَّجَاءِ أَبِي عَيْنَةَ وَقَاتِلَ.
قَالَ إِبْرَاهِيمُ بْنُ سَعِيدٍ الْجَوْهَرِيُّ: أَخْطَأَ شَرِيكَ فِي أَرْبَعَةِ حَدِيثٍ.

قال عِيَّاسٌ: ذَكَرْتُ لِدُنِّ مَعْجِنِ إِسْرَافِيلَ، وَفَرِيكَ، فَقَالَ: مَا فِيهِمَا إِلَّا كَيْتٌ. وَقَالَ: فَرِيكَ أَكْبَثُ مِنْ أَبِي الْأَحْوَصِ، ثُمَّ سَمِعْتُ ابْنَ مَعْجِنٍ يَقُولُ: إِسْرَافِيلُ أَكْبَثُ مِنْ فَرِيكَ. وَقَالَ: كَانَ يَحْتَبِي الْقَطَّانُ لَا يُعَدُّ عَنْ هَذَيْنِ.

رَوَى مُعَمَّدُ بْنُ يَحْيَى الشَّطَّانُ، عَنْ أَبِيهِ، قَالَ: رَأَيْتُ تَقْلِيظًا فِي أَشْوَلِ فَرِيكَ.
وَقَالَ أَبُو يَحْيَى: سَمِعْتُ ابْنَ مَعْجِنٍ يَقُولُ: فَرِيكَ ثَقَّةٌ، إِلَّا أَنَّهُ يَغْلَطُ، وَلَا فِي يَحْيَى، وَتَدَمَّبَ يَنْقَرِبُ عَلَى سُفْيَانٍ، وَطُعْبَةٍ.
وَقَالَ الدُّارَقُطْنِيُّ: لَيْسَ فَرِيكَ بِقَوِيٍّ فِيمَا يُنْقَرَدُ بِهِ.
(سير أعلام النبلاء للذهبي، ٧٠٣١- فريكة)

[9] أَخْبَرَنَا أَبُو عَبْدِ اللَّهِ الْخَافِضُ، أَخْبَرَنَا بَكْرُ بْنُ مُعَمَّدٍ الصَّرِيهِيُّ، مَرْوً، حَدَّثَنَا جَعْفَرُ بْنُ مُعَمَّدٍ بْنِ شَاكِرٍ، حَدَّثَنَا الْحَسَنُ بْنُ مُعَمَّدٍ الْمَرْزُوقِيُّ، حَدَّثَنَا فَرِيكَ، عَنْ مَنْصُورٍ، عَنْ أَبِي خَالِصٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "اللَّهُمَّ اغْفِرْ لِلْحَاجِّ وَلِمَنْ اسْتَغْفَرَ لَهُ الْحَاجُّ" (شعب الإيمان للبيهقي، ٧١٨٣، فضل الحج و العمرة)

[10] أَبُو بَكْرٍ قَالَ: حَدَّثَنَا فَرِيكَ، عَنْ جَابِرٍ، عَنْ مُجَلِّدٍ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «اللَّهُمَّ اغْفِرْ لِلْحَاجِّ وَلِمَنْ اسْتَغْفَرَ لَهُ الْحَاجُّ» (مصنف ابن أبي شيبة، ٨٥٦٣٦، باب ما قالوا في ثواب الحج)

[11] [قال الشيخ محمد عوامة في تعليقه علي المصنف لدن أبي شيبة] و شريك: ضعيف الحديث لكثرة خطئه، و قد تغير دهرًا طويلا من حين القضاء، و أيضا قال ابن القطان في بيان الوهم والإيهام (٤٣٥/٣) هو مشهور بالتدليس.
(المصنف لإبن أبي شيبة مع تحقيق الشيخ محمد عوامة، ٩٤٧، ج ١، ص ٤٧٤، دار قرطبه)

[21] أَخْبَرَنَا مُحَمَّدُ بْنُ مُحَمَّدٍ بْنِ عَبْدِ الْوَهَّابِ الْمَدِينِي، أَنبَأَ أَبُو عَبْدِ اللَّهِ الْجَمَالُ، ثَنَا عَبْدُ اللَّهِ بْنُ جَعْفَرٍ، ثَنَا عَبْدُ اللَّهِ بْنُ رَجَاءٍ، ثَنَا شَيْبَانُ، عَنْ جَابِرٍ، عَنْ مُجَاهِدٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «اللَّهُمَّ اغْفِرْ لِلْحَاجِّ وَلِمَنْ اسْتَغْفَرَ لَهُ الْحَاجُّ» (الترغيب والترهيب للتيهني، ج ٢، ص ٩١، دار الحديث)

[31] حَدِيثٌ: يُغْفَرُ لِلْحَاجِّ وَلِمَنْ اسْتَغْفَرَ لَهُ الْحَاجُّ، الْبَرَاءُ وَالطَّيْرَانِي فِي الصَّغِيرِ عَنْ أَبِي هُرَيْرَةَ بِهِ مَرْفُوعًا، وَهُوَ عِنْدَ ابْنِ عَزِيمَةَ فِي صَحِيحِهِ، وَالْحَاكِمُ فِي مُسْتَدْرَكِهِ، وَابْنُ بَيْهَقٍ، بِظُلْفٍ: اللَّهُمَّ اغْفِرْ لِلْحَاجِّ وَلِمَنْ اسْتَغْفَرَ لَهُ الْحَاجُّ، وَقَالَ الْحَاكِمُ: إِنَّهُ عَلَى شَرْطِ مُسْلِمٍ، وَتَعَقَّبَ بِأَنَّهُ فِي سَنَدِهِ شَرِيكَ الْقَاضِي، وَفِي يَخْرُجُ لَهُ إِلَّا فِي لُتَايَعَاتِهِ، وَلَكِنْ لَهُ شَاهِدٌ عِنْدَ التَّيْمِيِّ فِي تَرْغِيهِهِ عَنْ مُجَاهِدٍ. مَرْسَلٌ (المقاصد الحسنة، ٧٤٣٦، حرف الياء الأخيرة)

[41] [قال الشيخ محمد عوامة في تعليقه علي المصنف لدن أبي شيبة] قول مجاهد... هذا مرسل و له حكم الرِّيع، و قد قال يحيى القطان: مرسلات مجاهد أحب الي من مرسلات عطاء بن أبي رباح بكثير
(المصنف لإبن أبي شيبة مع تحقيق الشيخ محمد عوامة، ٢٧٢٦، ج ٢، ص ٢٧، دار قرطبه)

[51] وَيُجَوِّزُ عِنْدَ أَهْلِ الْحَدِيثِ وَغَيْرِهِمُ التَّسَاهُلُ فِي الْأَسَانِيدِ وَرِوَايَةِ مَا سِوَى مِنَ الضَّعِيفِ وَالْعَمَلُ بِهِ مِنْ غَيْرِ بَيَانِ ضَعْفِهِ فِي غَيْرِ صِفَاتِ اللَّهِ تَعَالَى وَالْأَحْكَامِ كَالْحَمَلِ وَالْحَرَامِ وَغَيْرِهِمَا، وَذَلِكَ كَالْقَصَصِ وَفَضَائِلِ الْأَعْمَالِ وَالْمَوَاعِظِ وَغَيْرِهِمَا مِمَّا لَا تَعْلُقُ لَهُ بِالْعَقَائِدِ وَالْأَحْكَامِ أَهْ (تدريب الراوي، ص ٢٥٢، قديمي كتب خاته)

قَالُوا: إِذَا رَوَيْنَا فِي الْحَمَلِ وَالْحَرَامِ حُدُودًا، وَإِذَا رَوَيْنَا فِي الْفَضَائِلِ وَنِعْمِهَا تَسَاهَلْنَا أَهْ... وَذَكَرَ شَيْخُ الْإِسْلَامِ لَهُ ثَلَاثَةَ شُرُوطٍ. أَحَدُهَا: أَنْ يَكُونَ الضَّعِيفُ غَيْرَ شَدِيدٍ فَيُخْرِجُ مِنْ أَفْرَدٍ مِنَ الْكَذَّابِينَ وَالْمُتَهَمِينَ بِالْكَذِبِ، وَمَنْ فَحَشَ غُلَطَهُ، نَقَلَ الْعِلَالَئُ الْإِتِّفَاقَ عَلَيْهِ. الثَّانِي: أَنْ يَنْتَدِجَ تَحْتَ أَصْلٍ مَعْمُولٍ بِهِ. الثَّالِثُ: لَا يَعْتَقِدُ عِنْدَ الْعَمَلِ بِهِ ثَبُوتَهُ، بَلْ يَعْتَقِدُ الْإِخْبَارَ (تدريب الراوي، ص ٢٥٢-٢٥٣، قديمي كتب خاته)

قال العلماء من المحدثين والفقهاء وغيرهم: يجوز ويستحب العمل في الفضائل والترغيب والترهيب بالحديث الضعيف ما لم يكن موضوعا (القول البدیع، ج ١، ص ٨٥٢، مؤسسة الريان)

DUA FOR THE DISTRESSED

Q:What is the prayer to supplicate when one is distressed and a huge calamity has befallen him? Is there anything advised from hadith by the prophet?

A: When Nabi Salallahu Alayhi Wasallam would be faced with a calamity he would recite the following dua:

”أَعُوذُ بِكَلِمَاتِ اللَّهِ التَّامَّةِ مِنْ غَضَبِهِ وَمِنْ شَرِّهِ عِبَادِهِ، وَمِنْ هَمَزَاتِ الشَّيَاطِينِ وَأَنْ يَخْضَرُونِ“

Transliteration: Authu bii kalimatillahi taamati min gadabihi wa min shari ibadihi wa min shari hamazati shaytan wa anyhduroon.

Nabi Salallahu Alayhi Wasallam would recite the following dua when he would be distressed:

اللَّهُمَّ أَنَا عَبْدُكَ، وَإِبْنُ عَبْدِكَ، وَإِبْنُ أَمَتِكَ، فِي قَبْضَتِكَ، نَاصِيَتِي بِيَدِكَ، مَا ضِيقَ حُكْمِكَ، عَدَلٌ فِي قَضَاؤِكَ، أَسْأَلُكَ بِكُلِّ اسْمٍ هُوَ لَكَ سَمِيَتْ بِهِ نَفْسُكَ، أَوْ أُنْزِلَتْهُ فِي كِتَابِكَ، أَوْ عَلَّمْتَهُ أَحَدًا مِنْ خَلْقِكَ، أَوْ اسْتَأْذَنْتَ بِهِ فِي عِلْمِ الْغَيْبِ عِنْدَكَ، أَنْ تَجْعَلَ الْقُرْآنَ الْعَظِيمَ نُورَ صَدْرِي، وَرَبِيعَ قَلْبِي، وَجَلَاءَ حُزْنِي، وَدَهَابَ هَمِّي“

Allahuma ana abduk wabnu abdik wabnu amatik fi qabthatik nasi-yati biyadik mathin fi hukmuk adlun fi qadauk asaluka bikuli ismin huwa laka sammayta bihi nafsak aw anzultahu fi kitabik aw ullaamta-hu ahadan min khalqik aw istatharta bihi fi ilmil ghaibi indak an tjalal Quraan al-atheem nura sadri wa rabeea qalbi wa jalaa a huzni wa thahaba hummi.

حدثنا محمد بن علي بن عبد الله بن عباس، عن أبيه، أنه حدثه، عن ابن عباس، أنه حدثه، قال: قال رسول الله صلى الله عليه وسلم: «من لزم الاستغفار، جعل الله له من كل ضيق مخرجاً، ومن كل هم فرجاً، ورزقه من حيث لا يحتسب»

It is also mentioned in a hadith that person who continuously reads istigfar Allah Taala will create a path for him from every difficulty and from every grief relief, and Allah Taala will give him rizq from where he wouldn't fathom.

الذكر للنووي ص 691-613 دار ابن كثير
الذكر للنووي ص 691-713 دار ابن كثير
ابو داود- 3151 دار البصر

12TH RABĪ AL-AWWAL CELEBRATIONS

Q: There has been much discussion with regards to celebrating 12th Rabī al-Awwal. You must be well aware of all the academic arguments in that regard. Without delving into academic gymnastics, your brief thoughts on this issue will be well appreciated.

A: The code of our Imān is لا إله إلا الله محمد الرسول الله That is to believe in the Oneness of Allāh Ta'ālā and the Nubuwwah of Rasūlullāh Sallallāhu Alaihi Wa Sallam. Belief and reverence for Rasūlullāh Sallallāhu Alaihi Wa Sallam is an integral and inseparable component of our faith. Imān cannot be accepted without believing in and revering Rasūlullāh Sallallāhu Alaihi Wa Sallam.

The actual reverence of Rasūlullāh Sallallāhu Alaihi Wa Sallam is to believe that:

1. Rasūlullāh Sallallāhu Alaihi Wa Sallam came to this world as the greatest human being. This is a reality and not just a fairy tale.
2. Rasūlullāh Sallallāhu Alaihi Wa Sallam was chosen by Allāh Taʿālā to be the recipient of divine revelation (Wahi).
3. Rasūlullāh Sallallāhu Alaihi Wa Sallam was bestowed the responsibility of conveying the message of Allāh Taʿālā to humanity, which he fulfilled in the best manner.
4. Among the various Messengers of Allāh Taʿālā, Rasūlullāh Sallallāh Alaihi Wa Sallam was the leader and most superior.
5. Love of Allāh Taʿālā and happiness in both the worlds lies only in following the Sunnats of Rasūlullāh Sallallāhu Alaihi Wa Sallam.

The salvation and Najāh of every human being is directly linked with believing in Rasūlullāh Sallallāhu Alaihi Wa Sallam. When one is placed inside the grave, he/she will be asked to recognize Rasūlullāh Sallallāhu Alaihi Wa Sallam. Consider the following narration:

يَقَالُ مَا عَلِمَكَ بِهَذَا الرَّجُلِ؟ (صحيح البخاري، ج 1، ص 82: دار طوق النجاة)

Translation: The deceased will be questioned in the grave: “What do you know about this man (Rasūlullāh Sallallāhu Alaihi Wa Sallam)?” (Sahīh Al-Bukhārī, Vol. 1, Page 28: Dār Tauq An-Najāh) In order for one to be true in revering Rasūlullāh Sallallāhu Alaihi Wa Sallam, the overwhelming thought of Rasūlullāh Sallallāhu Alaihi Wa Sallam should be present every moment of one’s life.

The demand of love is that the lover yearns to be in the company of the beloved. If this is not possible, then one adopts the beautiful

Even if one were to dedicate one's entire life to serve the Sunnats and ways of Rasūlullāh Sallallāhu Alaihi Wa Sallam, this would fall short of doing justice to the reverence that ought to be showed, keeping in mind endless efforts and sleepless nights of Rasūlullāh Sallallāhu Alaihi Wa Sallam for the sake of his Ummah. Merely taking out one day or one month discussing different angles of the beautiful life of Rasūlullāh Sallallāhu Alaihi Wa Sallam is not sufficient.

A Mu'min (believer) should spend every day of his life in imitating and spreading the Sunnats of Rasūlullāh Sallallāhu Alaihi Wa Sallam. Nevertheless, we cherish any opportunity we get to talk about Rasūlullāh Sallallāhu Alaihi Wa Sallam and inculcate in us and others the love and reverence of Rasūlullāh Sallallāhu Alaihi Wa Sallam.

قَالَ إِنَّمَا أَنَا بَشَرٌ مِثْلُكُمْ يُوحَىٰ إِلَيَّ أَنَّمَا إِلَهُمُ إِلَهٌ وَاحِدٌ فَمَنْ كَانَ يَرْجُوا لِقَاءَ رَبِّهِ فَلْيَعْمَلْ عَمَلًا صَالِحًا وَلَا يُشْرِكْ بِعِبَادَةِ رَبِّهِ أَحَدًا (سورة الكهف، رقم الآية 011)

[illegible]

عَلَيْهِ السَّلَامُ إِنَّ مَوْتِي أَوْ صَالِحٍ، عَلَّمَنِي هَذَا بَعْضِي، إِنَّ زَيْنَ عَنِ الْأَوَّاعِي، عَلَّمَنِي أَبُو عَمْرٍاءُ، عَلَّمَنِي عَبْدُ اللَّهِ بْنُ قُرَيْشٍ، عَلَّمَنِي أَبُو هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَوَّلُ مَا يَنْشَأُ عَنْهُ الْقَبْرُ: وَأَوَّلُ مَا يَفْعُ وَأَوَّلُ مُشْفَعٍ» (صحيح مسلم، باب تَقْضِيهِ نَيْتَانَا صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى جَمِيعِ الْمَلَائِكَةِ)

قُلْ إِنْ كُنْتُمْ تُحِبُّونَ اللَّهَ فَاتَّبِعُونِي يُعْبِدْكُمُ اللَّهُ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ (سورة آل عمران، رقم الآية 13)

إمداد الأحكام، ج 1، ص 781، مكتبة دار العلوم كراتشي

فتاوى محمودية، ج 3، ص 771، فاروقية

مسائل رفعت قاسمی، جدید، ج 6، ص 671، حامد کتب خانہ کراچی

UNIQUE NAME FOR MY CHILD?

Q: My name is “Janeef” and my wife is “Jafnabi” and we call her “Jafna”. None of these names have meaning as far as we know. Do we have to change it? If yes, do we have to change it in official records or can we just use the new name to call each other? Also will our parents be sinful for using such names?

A: The Prophet Sallallahu Alaihi Wa Sallam has ordered us to keep good names. It is mentioned in a Hadith:

إِنَّكُمْ تُدْعَوْنَ يَوْمَ الْقِيَامَةِ بِأَسْمَائِكُمْ، وَأَسْمَاءِ آبَائِكُمْ، فَأَحْسِنُوا أَسْمَاءَكُمْ

“You shall all be called upon on the Day of Judgment by your names and the names of your respective fathers. Keep good names for yourselves.”

Names of countries, cities, streets, airports, universities, and individuals are not merely named for identification purposes. Names also represent a belief of an individual or a group of people. Some of them can also represent a philosophy or some historical event.

In South Africa, names of airports and streets representing apartheid icons have been changed to names of veterans of the liberation struggle. Louis Boths Airport in Durban is now known as King Shaka International Airport. Louis Boths was an apartheid icon. King Shaka is the legendary leader of the Zulus. Jan Smuts Airport in Johannesburg is now called O.R. Tambo Airport. Many streets in Durban have been changed to the names of veterans of the liberation movement. Some new streets are Anton Lembede Street, Xuma Street, Yusuf Dadoo Street etc.

There were many sensitivities in the renaming process. The name of one icon is removed to replace it with another. The idea was to highlight a personality and to promote the values he/she represented and fought for.

It is clear from this that naming a person is not just about naming and creating an identity. As Muslims, when we name our children after the names of the Prophets, Sahabah and Auliya (pious servants of Allah), it also serves as a reminder to one of the values of these great luminaries. Keeping such names, have the potential to revolutionize a nation. When every second person is named after an illustrious prophet or an illustrious Sahābi, this will give rise to the value system of such people by studying those personalities and going deeper into what they represented.

As Muslims, we should adhere to keeping Islamic names to advance the Islamic value that goes with the name. However, you are not required to change your names in the official records. You and your wife may simply use Islamic names for one another.

(سنن أبي داود، ج4 ص782، المكتبة العصري
(Sunnan Abi Dawood, V.4 Pg. 287, Al-Maktabah Al-Asriyyah)

ARE YOU SERVING DEEN OR IS DEEN SERVING YOUR NAFS?

Q: While at work I never try to initiate any talk with males, except if needed. Some of the males at work do not pray Salah, perhaps I can remind them to. Also can I send them Islamic lectures etc, they are soft hearted when it comes to Deen, I feel they will benefit. I want to know what is the limit for a female to give Da'wah to males.

A: You should confine your contact with males only to the need. In that instance, your speech should be firm and to the point. The purpose of such conduct is to avoid attractive and alluring speech which has a potential of fitna. To achieve that, one does not have to be rude. In many instances men and women enter into discussions with the intention of Da'wah but end up in a personal relationship. They reach a point where Deen is no more the motive. Fulfilling their passion and desires overcomes them. This is done in the name of Da'wah. This then results in them using Deen to fulfill their desires rather than serving Deen.

While we understand the need for Da'wah, it is equally or more important to guard ones morals and chastity. The Nafs can never be trusted. What is the point of wanting to do good that eventually leads to evil? If you come across someone genuinely interested in Deen, it is safest to refer the person to a male who specializes in Da'wah or pass over appropriate Islamic literature to the person. This will be in keeping with your dignity and honour while also fulfilling the need of Da'wah.

HAJJ AND UMRAH GREETINGS

Q: I have friend going to Hajj and would like to know what is the Sunnah greeting to say before he departs for the Hajj pilgrimage?

A: When greeting family and friends before departing from them for any journey, Haj etc. recite the following dua.

استودعكم الله الذى لا تضيع ودائعه

Translation: I entrust you to Allah, who does not lose what He has been entrusted with. (Al-Bahrul-Ameeq Vol.1 Pg.463 Al-Maktabatul Makkiyya)

One may recite the following dua when commencing the journey of Hajj.

بسم الله على نفسي و مالي و ديني اللهم رضني بما قضيت لي حتى لا احب تعجيل ما اخرت ولا تأخير ما عجلت

Translation: In the name of Allah who is the complete controller of my life and wealth and my religion. Oh Allah make me pleased with what you decreed for me until I do not love to quicken what you delayed and I do not delay what you have hastened.

(Masalik-ul-Manasik Vol.1 Pg.181 Dar-ul-Bashair-ul-Ilmiyya)

البحر العميق في مناسك المعتمر و الحاج الى البيت العميق ج 1 ص 364 المكتبة الوكية
دار البشائر العلمية المسالك للمناسك ج 1 ص 181

INTUITION WITH HORSES

Q: Is it permissible to use healing methods employed by animal whisperers? Is there still reward for breeding horses with the intention of using them for Jihād should the need arise?

A: Animal whisperers communicate with animals using the concept of intuition and telepathy. This ability to intuitively com-

municate is a deep form of what is understood from the Arabic term 'firāsah'. Animal whisperers therefore communicate emotionally and mentally with the animals they treat to diagnose illnesses or decipher feelings the animals are experiencing. Their conclusions have the possibility of being correct or incorrect. This being the case, there is no problem in consulting animal whisperers or attending their communication sessions for treating or diagnosing illnesses in animals and pets or for training them.

In an authentic Hadīth, Nabi Sallallāhu alaihi wa Sallam has mentioned:

«الْحَيْلُ مَعْقُودٌ فِي نَوَاصِيهَا الْخَيْرُ إِلَى يَوْمِ الْقِيَامَةِ» [صحيح البخاري (0582)]

Goodness is pinned to the forelocks of the horse until the Day of Qiyāmah. [Al-Bukhārī, Hadīth no. 2850]

The commentators of Hadīth mention that the horse referred to in this Hadīth is that horse which is kept for fighting in the Path of Allah.

Horses have a close association with the concept of Jihād in Islām as can be established from the Qurān and Hadīth. They have also been given special significance in that a Mujahid mounted on a horse would receive double the booty of the fighter on foot or mounted on any other conveyance.

Thus, if a person breeds horses with the sincere intention that they would be used in Jihād, then this will be a meritorious act for which he will be rewarded.

وَأَنَّهُ لَا بَأْسَ لِلْإِنْسَانِ أَنْ يَتَكَلَّمَ بِهَذَا بِطَرِيقِ الْفَرَّاسَةِ؛ فَإِنْ آتَا بِكَيْ- رَضِيَ اللَّهُ عَنْهُ - قَالَ ذَلِكَ بِفَرَّاسِيهِ، وَلَمْ يَكُنْ ذَلِكَ مِنْهُ رَجْعًا بِالْقَيْبِ، فَإِنْ مَا فِي الرَّجْمِ لَا يَعْلَمُ حَقِيقَتَهُ إِلَّا اللَّهُ - تَعَالَى - كَمَا قَالَ اللَّهُ - تَعَالَى - (وَيَعْلَمُ مَا فِي الْأَرْحَامِ الْقَلَمَانُ: 43). وَلِهَذَا قِيلَ: أَفَرَسَ النَّاسُ أَبُو بَكْرٍ - رَضِيَ اللَّهُ عَنْهُ -؛ حَيْثُ تَقَرَّسَ فِي خَبَلِ امْرَأَتِهِ أَهْمًا جَارِيَةً، فَكَانَ كَمَا تَقَرَّسَ، وَتَقَرَّسَ فِي عَمَرٍ - رَضِيَ اللَّهُ عَنْهُ - حِينَ اسْتَخْلَفَهُ نَعْبَذَهُ (المبسوط للسرخسي (15-05/21)).

وَالْفَرَّاسَةُ نَائِبَةٌ عَنْ جُودَةِ الْقَرِيخَةِ وَجِدَةِ النَّظَرِ وَضَمَامِ الْفِكْرِ، وَقَدْ رَوَى عَنْ عُمَرَ بْنِ الْخَطَّابِ - رَضِيَ اللَّهُ عَنْهُ - أَنَّهُ دَخَلَ عَلَيْهِ قَوْمٌ مِنْ مَدَجِجٍ فِيهِمْ الْقَفْزُ فَصَعَّدَ عُمَرُ فِيهِ النَّظَرَ وَصَوَّبَهُ وَقَالَ: أَهْمُ هَذَا؟ قَبِيلُ: مَا لَكَ يَا عُمَرُ؟ فَقَالَ: مَا لَكَ قَالَهُ اللَّهُ؟ إِنْ لَدَرَى لِلْمُسْلِمِينَ مِنْهُ يَوْمًا عَصِيبًا، فَكَانَ مِنْهُ فِي الْقَفْزَةِ مَا كَانَ، وَدَخَلَ الْمَدِينَةَ وَقَدْ مِنْ التَّمَنُّ وَكَانَ عُمَرُ وَالضَّخَايَةِ فِي الْمَسْجِدِ فَأَشَارُوا إِلَى رَجُلٍ مِنْ الْوَفْدِ وَقَالُوا لِعُمَرَ: هَلْ تَعْرِفُ هَذَا؟ فَقَالَ: لَعَلَّهُ سَوَاءٌ بَيْنَ قَارِبٍ فَكَانَ كَذَلِكَ، وَكَانَ عُمَرُ - رَضِيَ اللَّهُ عَنْهُ - يَطُوفُ بِالْبَيْتِ فَسَمِعَ امْرَأَةً تَتَشَدَّى فِي الطَّوَارِفِ، وَمِنْهُمْ عَنْ مُشَقَّى يَعْذِبُ مَبْرُجًا ... تَقَاعِي قَلْبُكُمْ عَنْ ذَلِكَ قُرْبَتِ، وَمِنْهُمْ عَنْ مُشَقَّى بِأَحْضَرٍ آجِنٍ ... أَجَاعٍ وَلَوْلَا خَشْيَةُ اللَّهِ رَدَّتْ، فَتَقَرَّسَ عُمَرُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِيهَا حُكَّتْ، فَبَعَثَ عُمَرُ إِلَى زَوْجَتِهَا فَاسْتَنْكَهَتْ فَلِذَا هُوَ أَبْغَضُ النَّاسِ، فَأَعْطَاهُ عَمْسِمَاةَ وَخَارِجَةً عَلَى أَنْ يُطْلَقَهَا فَفَعَلَ.

وَرَوَى أَنَّ بَعْضَ الضَّخَايَةِ دَخَلَ عَلَى عَمَلَانَ - رَضِيَ اللَّهُ عَنْهُ - وَقَدْ كَانَ مَرَّ بِالسُّوقِ فَتَنَظَّرَ إِلَى امْرَأَةٍ، فَلَمَّا نَظَرَ إِلَيْهَا عَمَلَانُ قَالَ لَهُ: يَدْخُلُ أَحَدُكُمْ عَلَيْهَا، فِي عَيْنَيْهِ أَثَرُ الرِّجَالِ، فَقَالَ لَهُ الرَّجُلُ: أَوْحَى بَعْدَ رَسُولِ اللَّهِ - رَضِيَ اللَّهُ عَنْهُ -؛ فَقَالَ: لَكِ وَلَكِنْ يُرْهَانُ وَفَرَّاسَةً، وَمِمَّا هَذَا كَثِيرٌ عَنْ عَرَبٍ (معين المحكم فيما يتردد بين الخصمين من الأحكام، دار الفكر (ص: 861)).

بَابُ مَنْ اخْتَنَسَ قَرَسًا فِي سَبِيلِ اللَّهِ لِقَوْلِهِ تَعَالَى: (وَمَنْ رِنَاظَ الْغَيْلِ: [الأنفال: 6])

عَدَّدْنَا عَلَيْهِ بَيْنَ عَفْصٍ، عَدَّدْنَا ابْنَ لُبَابَرِ، أَخْبَرَنَا طَلْحَةُ بْنُ أَبِي سَعِيدٍ، قَالَ: سَمِعْتُ سَعِيدًا الْمُقْبَرِي، يَقُولُ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، يَقُولُ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ اخْتَنَسَ قَرَسًا فِي سَبِيلِ اللَّهِ إِعَانًا بِاللَّهِ وَتَضْيِيقًا يَوْعِدِي، فَإِنَّ شِبَعَةَ وَرَيْثَهُ وَزَوْجَتَهُ وَيَوْلَاهُ فِي مِيزَانِهِ يَوْمَ الْقِيَامَةِ» (صحيح البخاري، دار طوق النجاة: 14)

(82)

أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ سَأَلَ اللَّهَ الشَّهَادَةَ بِصِدْقٍ بَلَّغَهُ اللَّهُ مَنَازِلَ الشُّهَدَاءِ، وَإِنْ مَاتَ عَلَى فِرَاقِهِ فَأَخْبَرَتْ رُسُلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَنَّ مَنْ كَانَتْ مَعَهُ الرُّبُوبَةُ فِي تَهْنِئَةِ الشَّهَادَةِ، كَانَ يَذْكَرُ مِنْ أَهْلِهَا، وَإِنْ لَمْ يَهْنَأِ الْقَتْلَ يَمُوتُ، وَلَا مَا يَبُولُهُ مِنَ الْقِيَامَةِ الْمَذْكُورَةِ فِي هَذِهِ الْأَكْبَارِ، وَفِي ذَلِكَ دَلِيلٌ عَلَى مَا ذَكَرْنَا مِنْهَا عَمَلًا عَلَيْهِ الْكَلَامُ الْأَمِّي ذَكَرْنَاهَا فِي هَذَا الْبَابِ، وَاللَّهُ عَزَّ وَجَلَّ نَسَّأَلُهُ التَّوْفِيقَ. (شرح مشكل الكفار، مؤسسة الرسالة (11/31))

TABLIGHI JAMAAT IN KAZAKHSTAN

A request came to the Darul Iftaa for a Fatwā clarifying the motives of the Tablighī Jamāt in order to present to the Kazakhstani court. According to the letter, the Kazakhstani government banned the movement of the Tablighī Jamāt. The Tablighī Jamāt is no longer considered a religious movement in Kazakhstan and is classified as an extremist movement.

The Fatwā was presented to Sheikhul Hadith Hadhrat Moulana Fazlur Rahman Azmi Saheb Damat Barakatuhum. Hadhrat checked the Fatwā and approved it.

The Fatwā:

The Honourable Judge,
Assalamualaikum.

In response to a request seeking clarity on the Tabligh Jamāt movement, we hereby present the following.

An independent investigation on any issue is the corner stone of justice and fairness as also understood from the following verse of the Holy Quran:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِن جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا أَن تُصِيبُوا قَوْمًا بِجَهَالَةٍ فَتُصْحَبُوا عَلَىٰ مَا فَعَلْتُمْ نَادِمِينَ (سورة الحجرات، رقم الآية 6)

O’ those who believe, if a sinful person brings you a report, verify its authenticity, lest you harm a people out of ignorance then become remorseful on what you did. (Qurān 49:6)

We understand the importance of political stability and the need for the intelligence of the Government to closely observe and monitor the activities of various organizations. We appreciate that and welcome such scrutiny as that process helps to filter the true and sincere organizations working for the general welfare of mankind from disruptive ones.

We take this privilege to introduce your honourable self to the noble activities of the Tabligh movement. At the outset, the Tabligh movement is apolitical and has no political agenda at all. The core of the movement is to create Allāh consciousness in people and make them obedient slaves of Allāh. The aim and objective of the Tabligh movement is to secure eternal success for every human being and to prepare for life after death and accountability to Allāh.

The Tabligh movement instills this sense of responsibility in every person and creates in him the desire to sacrifice his time and resources to come out in the path of Allāh for self-reformation and to inspire others.

This self-sacrifice approach driven by Allāh consciousness and concern for eternal success has been proven to be exceptionally successful throughout the world. Millions of people have reformed their lives and started coming to the Masjids to perform Salāh. They have changed their lives from immorality and shamelessness to being spiritually motivated. They have eradicated the debasing qualities and spiritual illnesses from their hearts and have replaced them with noble characteristics such as sincerity, humility, kindness, and well-wishing for all the creation of Allāh including non-Muslims and animals.

The Tabligh movement has impacted many nations and communities and inculcated a great sense of responsibility in people. The core message of focusing on Allāh and placing one's trust in Allāh (Imān and Yaqīn) has made:

- a) The poor to be content with their lot.
- b) The rich and affluent to share their resources and develop the under privileged.
- c) The negligent to stand up to his responsibility and support his family with earning an income.
- d) The careless to abandon wine and intoxicants
- e) The immodest to live a life of chastity and avoid fornication and adultery which erodes the moral fibre of the community.

While a Government may be searching and contemplating on solutions to its various domestic, social, and economical challenges, the Tabligh movement positively contributes to the reformation and solutions of the various problems solely for the pleasure of Allāh and well-being of mankind. They do not seek any political position or any reward. Their reward is by Allāh:

إِنْ أَجْرِيَ إِلَّا عَلَى اللَّهِ

My reward is only with Allāh. (Surah Yūnus, Verse 72)

The Tabligh movement focuses only on the following six points to achieve self-reformation:

1. Entrenching the belief in the Oneness of Allāh (Tawhīd)
2. The importance of performing Salāh
3. Education and Remembrance of Allāh
4. To honour fellow Muslims
5. Sincerity (Ikhlas)
6. Propagating the message of Islām

These six points can be condensed in two points-

Being sensitive to Allāh and thereby being obedient to Allāh.
Being sensitive to fellow creations and induce love and harmony for each other.

If anyone attributes anything else to the Tabligh movement other than what we have stated he is misinformed.

Honourable Judge, we are sure you will be guided by your training and skill of justice and fairness in independency, examining the Tabligh movement. We are sure you will conclude that the Tabligh

movement is an asset for mankind and contributes to establishing and promoting a wholesome way of life for one and all.

Checked and Approved by,

**Sheikhul Hadīth Hadhrat Moulana Fazlur Rahman Azmi Saheb
Damat Barakatuhum.**

THE JURISPRUDENCE BEHIND THE DIFFERENT FORMS OF ZIKR

Q: Kindly comment on the different forms of zikr, loud, soft, collective, individual in the majid and elsewhere. Is it a bidah and what is the definition of bidah? Explain it contextually.

A: General loud dhikr is clearly proven from many Ahadith. See the following Hadith:

إِنَّ لِلَّهِ مَلَائِكَةً يَطُوفُونَ فِي الطُّرُقِ يَلْتَمِسُونَ أَهْلَ الذِّكْرِ، فَإِذَا وَجَدُوا قَوْمًا يَذْكُرُونَ اللَّهَ تَنَادَوْا: هَلُمُّوا إِلَى حَاجَتِكُمْ ” قَالَ: «فَيَحْفُوتُهُمْ بِأَجْنِحَتِهِمْ إِلَى السَّمَاءِ الدُّنْيَا» قَالَ: ” فَيَسْأَلُهُمْ رَبُّهُمْ، وَهُوَ أَعْلَمُ مِنْهُمْ، مَا يَقُولُ عِبَادِي؟ قَالُوا: يَقُولُونَ: يُسَبِّحُونَكَ وَيَكْبِّرُونَكَ وَيَحْمَدُونَكَ وَيَهْجِدُونَكَ.....

“Verily there are angels who roam around in the streets in search for people who perform zikr. When they come across a group of people who are engaged in zikr, they call upon (to other angels), “Come forth unto your sustenance!” They spread their wings upon them until the skies. Their lord asks them (the angels) while He is more aware (of the situation of the people of zikr), “What are my servants saying?” The angels reply, “They are glorifying, exalting, and praising you.”.....

In another Hadith, it is stated:

«إِذَا مَرَرْتُمْ بِرِيَاضِ الْجَنَّةِ فَارْتَعُوا» قَالُوا: وَمَا رِيَاضُ الْجَنَّةِ؟ قَالَ: «حِلْيَةُ الذِّكْرِ»

“When you come across the gardens of Jannah, receive a portion from it.” The people asked, “What is the garden of Jannah?” He (Prophet) replied, “The gatherings of Zikr.”

In Mirqaat Al-Mafaateeh under the explanation of this Hadith, Mulla Ali Qari Rahmatullahi Alaih quotes with reference to Imam Nawawi Rahmatullahi Alaih:

قَالَ النَّوَوِيُّ رَحِمَهُ اللَّهُ: وَأَعْلَمُ أَنَّهُ كَمَا يُسْتَحَبُّ الذِّكْرُ يُسْتَحَبُّ الْجُلُوسُ فِي حَلْقِ أَهْلِهِ، وَهُوَ قَدْ يَكُونُ بِالْقَلْبِ، وَقَدْ يَكُونُ بِاللِّسَانِ، وَأَفْضَلُ مِنْهُمَا مَا كَانَ بِالْقَلْبِ وَاللِّسَانِ جَمِيعًا، فَإِنْ أَقْصَرَ عَلَى أَحَدِهِمَا، فَالْقَلْبُ أَفْضَلُ

“Imam Nawawi Rahmatullahi Alaih mentions: As performing zikr is regarded to be preferable, accompanying the gatherings in which zikr takes place is also preferable. Zikr may be performed with the heart or with the tongue. It is better to perform zikr together with the heart and the tongue. However, if one restricts zikr to only the heart or tongue, then doing zikr with the heart is more preferable.” It is possible that you are referring to some specific form of loud dhikr being bidah. It is therefore important to understand the definition of bidah to be able to make the correct conclusion on the various forms of dhikr.

The educational system of Daul Uloom and madrasas as found today were not existent at the time of Rasullullah Sallallahu Alaihi Wa Sallam. In order to be able to understand the Quran and Aha-dith, the Arabic language with Sarf (etymology), Nahw (grammar), Fasahat and Balagah (rhetoric) are taught. Fiqh and Usool-ul-Fiqh, Tafseer and Usool-ut-Tafseer, Hadith and Usool-ul-Hadith are taught in order to be regarded as an Alim of Deen and having authority on

Deen. The knowledge of these subjects is regarded to be compulsory yet no body regards studying these subjects as bidah and prohibits it. This was not the system at the time of Rasullullah Sallallahu Alaihi Wa Sallam.

According to Shari'ah, bidah is defined as follows:

وَالْمُرَادُ بِالْبِدْعَةِ: مَا أُخْدِثَ مِمَّا لَا أَصْلَ لَهُ فِي الشَّرِيعَةِ يَدُلُّ عَلَيْهِ، فَأَمَّا مَا كَانَ لَهُ أَصْلٌ مِنَ الشَّرْعِ يَدُلُّ عَلَيْهِ، فَلَيْسَ بِبِدْعَةٍ شَرْعًا، وَإِنْ كَانَ يَدْعَى لُغَةً

“And the meaning of bidah is: that act which has no origin in Shariah that indicates to the origin. If the new act has an origin in Shariah, then it will not be considered as bidah in terms of Shariah even if it may be considered bidah in its literal sense.”

The above definition means that if a person innovates something in Shariah which does not have any origin in Shariah and there is no indication in the new aspect to the origin, then that will be bidah. However, if there is an origin for the new aspect in Shariah and the new aspect indicates to the origin, then it will not be considered bidah. In order to expound on this, the following example will make the point clear. If one wants to become an Alim of Deen and be an authority on Deen, he has to learn all the sciences of Deen as previously indicated, Sarf, Nahw, Usool etc. The study of all these subjects is new but has its roots in its origin that is educating oneself in Shariah (taleem) which is one of the 3 missions of Rasullullah Sallallahu Alaihi Wa Sallam. These subjects are subsidiaries to the origin and preserves to compliment the original, educating oneself in Shariah. Hence, studying the different subjects is not bidah. Furthermore, these subjects are not principle requirements, Fardh, Wajib or Sunnah in Deen. They are administrative issues serving to support and fulfill an origin in Shariah.

In the same light as the above, tazkiyyah (purifying oneself) is Fardh like taleem (education). Both, taleem and tazkiyyah are clearly mentioned in the Quran and Ahadith. The different forms of Zikr which are not specifically stated in the Quran and Ahadith, for example, muraqabah of certain verses of the Quran like *الم يعلم بان الله يري* generally practiced by the Naqshbandiyyah followers or the famous 12 tasbeehaat prescribed by the Chistiyyah Mashaaikh with a specific head movement are aimed to achieve tazkiyyah. These means are tried, tested and proven to be beneficial in obtaining tazkiyyah. Muraqabah with its different forms and zikr with its different forms compliment tazkiyyah and are not regarded as fundamental principles like Fardh, Wajib etc. in Shariah. They are administrative issues to achieve the objective. Hence, these new acts point towards its origin in Shariah which is tazkiyyah. To further elaborate on this, an example of a physically sick person may be appropriate.

When a person is ill, he takes medications which are prescribed to him by a doctor to cure his sickness. Similarly, doing the dhikr of Allah is a spiritual treatment and cure for the heart. When a person does the dhikr of Allah, it removes the spiritual sicknesses and the diseases from the heart.

Tazkiyyah (purifying the soul), is Fardh upon every individual. It has been mentioned in the Quran:

كَمَا أَرْسَلْنَا فِيكُمْ رَسُولًا مِنْكُمْ يَتْلُو عَلَيْكُمْ آيَاتِنَا وَيُزَكِّيكُمْ وَيُعَلِّمُكُمُ الْكِتَابَ وَالْحِكْمَةَ وَيُعَلِّمُكُم مَّا لَمْ تَكُونُوا تَعْلَمُونَ

(القرآن 2:151)

Just as We have sent among you a messenger from yourselves reciting to you Our verses and purifying you and teaching you the Book and wisdom and teaching you that which you did not know. (Quran 2:151)

A special form of dhikr prescribed by a spiritual guide has been tested and found to be efficient by many scholars of the past as a spiritual remedy. It has been recorded to treat many diseases of the heart such as anger, hatred, jealousy, pride love for the money, love for the world etc.

It is agreed that if a person performs dhikr loudly with the intention that it is Fardh, Wajib or Sunnah, then such an act will be considered Bidah. However, if a person does loud dhikr with the intention that it is a spiritual remedy for the sicknesses of the heart, then there is no harm in performing such dhikr performed in a particular way and with a prescribed amount as that is merely a means to attain tazkiyyah similar to learning the Arabic language and the different subjects to educate oneself on Shariah.

Learning Arabic has its roots in educating oneself in Shariah. Likewise, the different forms of zikr have its roots and origin in tazkiyyah. Just as Arabic is a ladder to learning Shariah, the different forms of zikr are also a ladder to tazkiyyah. It is however important to confine the different means of taleem and tazkiyyah to its position and not regard them to be the actual purpose or to be Sunnah or compulsory in Shariah. If one regards the means to be compulsory in Shariah, it will now be an act of bidah. Hereunder are at least three relevant fatwaas from our Aslaaf (pious predecessors).

1. Allamah Tahtawi Rahmatullahi Alahi, a very reliable Hanafi jurist states in Hashiyah At-Tahtaawi Ala Maraaqi Al-Falah with the reference of Allamah She'raani:

ونص الشعراي في ذكر الذاكر للمذكور والشاكر للمشكور ما لفظه وأجمع العلماء سلفا وخلفا على استحباب ذكر الله تعالى جماعة في المساجد وغيرها من غير نكير إلا أن يشوش جهرهم بالذكر على نائم أو مصل أو قارئ قرآن كما هو مقرر في كتب الفقه (حاشية الطحطاوي على مراقي الفلاح شرح نور الإيضاح، ص 813، دار الكتب العلمية)

Translation: “Allamah She’raani Rahmatullahi Alahi states in his book Zikr Az-Zaakir Lil Mazkooor Wa As-Shakir Lil Mashkooor, that the former and the latter Ulama have unanimously permitted doing zikr in a gathering in a Masjid as well as anywhere else other than the Masjid without prohibiting them except that if their loud zikr cause disturbance to a sleeping person or to a person performing Salah or to the one reciting Quran as this has been established in the books of Fiqh.” (Hashiyah At-Tahtaawi Ala Maraaqi Al-Falah, Pg.318, Dar Al-Kutub Al-Ilmiyyah)

2. Hadhrrat Moulana Ashraf Ali Thanvi Rahmatullahi Alaih states in Imdaadul Fatawa:

...وفي تفسير الاحمدي في بحث الجهر و الاخفاء وهذا بحث مختلف فيه بين الانام في زماننا ولا طائل تحته اذا المقصود بكل الوصول الي الله باي طريق كان -
 پس ثابت ہوا کہ جہر ہر طور سے جائز ہے، کسی کو کسی طور سے منع نہ کریں، یہی ارجح و اوضح ہے، بلکہ اگر عدم مشروعیت کو بھی ترجیح دی جاوے تو تب بھی عوام کو منع نہ کریں، کہ اسی بہانہ سے کچھ خیر کر گزرتے ہیں، چنانچہ خود مانعین نے اس امر کی تصریح کر دی - (امداد الفتاویٰ، ج 5 ص 961، مکتبہ دار العلوم کراچی)

Translation: “...It has been mentioned in Tafseer-e-Ahmadi under the discussion of audible and inaudible. There is a difference of opinion amongst the Ulama regarding this discussion in our time. It does not matter beyond that as the purpose is to reach Allah in any way. This proves the fact that performing loud zikr is permissible in every way. No person shall be prohibited in any way. And this opinion is the most authentic and preferred one. In fact, even if the opinion which prohibits (performing loud zikr) is given preference to, the laymen should not be prohibited from performing loud zikr. With this, the laymen will accomplish some rewards. Hence, the ones prohibiting (from performing loud zikr) themselves have stated this.” (Imdaad Al-Fataawa, Vol.5 Pg.169, Maktabah Darul Uloom Karachi)

SURNAME FOR ADOPTED CHILD

Q: We are in the process of adopting a child and would like some advice about the name. the child father is not known and neither is his mother- he was placed in a “baby box” and left in front of the hospital. What do you advise to do in this situation? We will tell the child that he is not ours biologically-but when it comes to her name- it seems cruel to not allow her to use our name. What do you suggest? Surely Islam is not so cruel that it would forbid this adoption. This is a child who has no chance in life unless he is taken in by a family.

A: You are correct in saying that Islam is not cruel towards orphans. The Prophet went to the extent of saying,

كَافِلُ الْيَتِيمِ لَهُ أَوْ لغيره أَنَا وَهُوَ كَهَاتَيْنِ فِي الْجَنَّةِ (الصحيح لمسلم ج-٨ ص-١٢٢، دار المنهاج)

“The one who takes care of an orphan, whether the orphan is his relative or not, and I will be in Jannah like these two (indicating towards the proximity between two fingers).” (Al Sahih li Muslim vol.8 pg.221, Dar Al Minhaj)

As you suggested, you should tell the orphan that you are not his/her biological parents. You may also allow the child to use your surname. However, it should be borne in mind that at no point should the orphan’s lineage be attributed to the adoptive parents . The adopted child will not inherit from the adoptive parents; he may receive bequests. The rules of Hijab will also be observed between the adoptive parents’ biological children and the adopted child.

RULINGS PERTAINING TO A HYPOCRITE

Q: Can a Muslim be a hypocrite? If he meets the conditions which are mentioned in Hadith of signs of hypocrite, will he be a hypocrite then? And he will be among the hypocrites on the day of Judgement? If a person commits sins and he keeps on making Tawbah but people think that he is a good person but he is not that much. Does it mean he is a hypocrite? Can a hypocrite make Tawbah? Will he be forgiven? If a person worships and loves Allah but sometimes he prefers his Nafs. Is this very attitude is called hypocrisy? I heard in a lecture that in this time only Muslims and Kafir are present (with many sects etc.). Hypocrites were in the time of Prophet Muhammad (peace be upon him). Hypocrites that are mentioned in Qur'an are not present in this time.

A: The Hadith in reference to your question is as follow:

آية المنافق ثلاث: إذا حدث كذب، وإذا وعد أخلف، وإذا أؤتمن خان

Translation: The signs of the hypocrite are three: When he speaks, he lies; when he promises, he does not fulfil it; and when he is entrusted with something, he is treacherous .

أربع من كن فيه كان منافقا خالصا ، ومن كانت فيه خصلة منهن كانت فيه خصلة من النفاق حتى يدعها : إذا أؤتمن خان، وإذا حدث كذب ، وإذا عاهد غدر ، وإذا خاصم فجر

Translation: There are four characteristics, whoever possesses them all is a pure hypocrite, and whoever possesses one of them has one of the characteristics of hypocrisy, until he abandons it: when he is entrusted, he betrays; when he speaks, he lies; when he makes a covenant, he proves treacherous; and when he disputes, he resorts to

obscene behaviour .Hypocrisy, in general, means the disparity between the inward thoughts and the outward appearance; the believer by heart should ideally illustrate his faith with his speech, deed and intention .

1. Hypocrisy or Nifaq can be divided into two categories :

- Hypocrisy in Aqidah (belief) – is when a person reveals himself to be a believer but his heart is void of faith
- Hypocrisy in Amal (actions) – is when a person has faith in his heart but he does not fulfil the requirement of faith in complete abstinence from sins.

A real hypocrite is he who claims to have Imaan but in reality does not have any Imaan in his heart. These were the Munafiqin at the time of Prophet Muhammad (peace be upon him) who were exposed by Allah to the Prophet (peace be upon him). If a person commits all the wrongdoings listed in the prophetic narration but simultaneously cherishes true Imaan in his heart, he will not be classified as a real Munafiq and he will not be amongst the hypocrites on the day of Judgement. However, such a person will be said to have traits of a hypocrite and thus weak in his faith.

2. If a person commits sins and is consistent in his repentance, he will not be regarded as a hypocrite, even if people assume him to be really good and when in reality he is not. Prophet Muhammad (peace be upon him) said:

ما أصر من استغفر وإن عاد في اليوم سبعين مرة

Translation: He who seeks forgiveness is not regarded a persistent sinner, even if he returns to his sin seventy times a day.

However, neither should a person do a virtuous action to show

others and not sincerely for the pleasure of Allah nor should anyone forsake a good deed for a doubt of appearing to be a hypocrite . Verily good reputation amongst the people and the ability to repent is from Allah. The person should ideally cherish this opportunity and exhort himself in the obedience of Allah and endeavour to abandon the detestable characteristics of hypocrisy.

3. The Hadith does not denote that a person who has these qualities must be a hypocrite but that a true believer should assess himself and try to abstain from such practices since these qualities are not befitting a true believer . Moreover, Allah is all-Compassionate and will forgive and accept the sincere repentance of even a hypocrite. Allah Ta'ala says:

إن الله لا يغفر أن يشرك به ويغفر ما دون ذلك لمن يشاء

Translation: Verily Allah does not forgive that partners are associated with Him but He forgives anything else to whom He wishes .
Prophet Muhammad (peace be upon him said:

الثائب من الذنب كمن لا ذنب له

Translation: He who [sincerely] repents from sin is like him who has committed no sin .

4. The fact that a person may practice on his desires and forgoes the commands of Allah Ta'ala or His Prophet (peace be upon him) does not render a person a hypocrite. However, this attitude may be termed as weakness in faith. As humans we are weak and we may err and commit wrongdoings.

Most importantly, Allah describes the true believers as:

والذين اذا فعلوا فاحشة او ظلموا انفسهم ذكروا الله فاستغفروا لذنوبهم، ومن يغفر الذنوب الا الله ، ولم يصروا على ما فعلوا وهم يعلمون . اولئك جزاؤهم مغفرة من ربهم وجنت تجري من تحتها الانهر خلدن فيها، ونعم اجر العاملين

Translation: And [the pious are] those who, when they commit an immoral act or wrong themselves, remember Allah and seek forgiveness of their sins – and who forgives sins except Allah? And those who do not purposely become stubborn regarding what they did. For such the reward is forgiveness from their Lord, and Gardens beneath which rivers flow – abiding in it forever; what an excellent reward for the performers of good deeds .

5. At the time of Prophet Muhammad (peace be upon him), the people were either pure believers, open disbelievers or hypocrites who could only be distinguished and known through revelation from Allah to Prophet Muhammad (peace be upon him). With the demise of Prophet Muhammad (peace be upon him), so has the revelation from the heavens has seized to descend. Consequently, as humans, we are unaware of the beliefs entertained by each other in the hearts. We are obliged to deal according to that which is apparent. Hence, either a person will reveal himself to be a Muslim, thus we will call him and treat him as such, whether he is true in his claim or not; or he will confess himself to be a disbeliever and accordingly he will be treated.

Hypocrites that are mentioned in the Qur'an may well be present in the current era; however, since there is no Wahy and we do not possess the ability to detect the hearts others, we are unable to label a person hypocrite.

EATING IN A HARAM RESTAURANT

Q: My boss, who is a Muslim had invited his staff to a restaurant for year-end supper. I did not attend because I called the restaurant and asked if they are halaal and they said no, the menu had meals which had wine in them and they served alcohol. My friend who is Muslim had attended this supper stating that we can eat the veg platter and seafood dishes. I sill disagreed. My boss made me work till 17h00 PM and excised all the other staff to go home at 15h00 PM that Friday because they were attending the supper, he game a long lecture saying I must not be so rivd, what if I was living in the USA. My friend and I has a disagreement and now we this has affected our friendship. Please advise if we are allowed to eat at these restaurants. Quote hadiths if you can so I can show them why I stand so strongly against this.

A: Your attitude of not accepting the dawah was correct. The issue is not only on eating vegetarian and seafood. There is haram served in the restaurant and there is every possibility of contamination. What guarantee does one have that the utensils used to cook the vegetarian and seafood platters were not used for other haram food? What guarantee does one have that the chefs preparing the food did not touch the vegetarian and seafood platters after touching haram meat with possible remnants of haram on their hands. Eating vegetarian and seafood platters from restaurants offering haram food does not guarantee non-haram dishes being halal.

As Muslims, we experience precaution in consuming halal. This is emphasised in the Quran and Hadith. Consider the following:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُلُوا مِن طَيِّبَاتِ مَا رَزَقْنَاكُمْ

Translation: O you who Imaan! Eat from the pure things which We have provided for you. [2:172]

يا أيها الرسل كلوا من الطيبات واعملوا صالحا، إني بما تعملون عليم

Translation: (Allah Ta'ala addressed the Ambiyaa Alaihimus Salaam saying,) "O you Rasool! Eat from the pure things and do good acts. Verily I am aware of what you do. (Although addressed directly to the Ambiyaa Alaihimus Salaam, this command applies to the followers of the Ambiyaa Alaihimus Salaam as well.) [23:51]

Rasulullah (Sallallahu Alaihi Wa Sallam) is reported to have mentioned in a Hadith: "Verily Allah is pure and He accepts only what is pure and indeed Allah has given those orders to the believers, which he has given to the Messengers"...

Ignore and overlook the comments of your boss. The lecture of your boss has no merit. If he goes to U.S.A, he will be surprised to observe the taqwa of Allah conscious Muslims there.

وحدثني أبو كريب محمد بن العلاء، حدثنا أبو أسامة، حدثنا فضيل بن مرزوق، حدثني عدي بن ثابت، عن أبي حازم، عن أبي هريرة، قال: قال رسول الله صلى الله عليه وسلم: "إياها الناس، إن الله طيب لا يقبل إلا طيبا، وإن الله أمر المؤمنين بما أمر به المرسلين، فقال: يا أيها الرسل كلوا من الطيبات واعملوا صالحا، إني بما تعملون عليم" وقال: يا أيها الذين آمنوا كلوا من طيبات ما رزقناكم إثم ذكر الرجل يطيل السفر أشعث أغبر، يمد يديه إلى السماء، يا رب، يا رب، ومطعمه حرام، ومشربه حرام، وملبسه حرام، وغذي بالحرام، فإني يستجاب لذلك؟ [مسلم . رقم الحديث 5101]

WHOM SHOULD BE APPOINTED AS THE IMAM?

Q: I wanted to request an official letter from you to the committee of our local masjid based on the following.

1. Imam Lies about trimming beard. Many have seen after his umrah trip his beard was mashallah very good then suddenly became like a goatie.
2. The imam initially said he was Hanafi as most of the musallees are hanafi now he says he is Jamhur.
3. Imam has recently been exposed to be having extra marital connections with ghair mehram woman (Proof is photo which was used in qadhi court to get his wife talaq)
4. We have been instructed to not ask imam any maslas. And there are more capable people in the area who could be our imam and could help the musallees by answering their maslas. (This imam has done some 2-3 year course... apparently that makes them an alim)
5. The Imam believes (as per his answer when questioned by one of the brothers) that doing dua after Salah is biddat but does it just to secure his job. (1. His belief of it being biddat--- 2. After thinking something is wrong and still doing just so his wage is secure)
6. Many musallees are not complaining about the Islamic issues in the mosque and many have requested that at minimum the religious committee have some regular musallees and some proper alims in there. And that musallees be involved in decisions on the masjid. (Committee is basically ruled by a few influential people from which

1 or 2 salah by less than a handful of them is actually prayed in this masjid.

We need reliable sources to tell them they are very political people so we want to make sure our facts are approved by Muftis like yourselves. And a letter will help greatly in saving this masjid from being run by politicians and businessmen who have taken the masjid to be a worldly asset rather than a road to jannah.

A : You request a fatwa for the Committee of the Parklands Mosque about the Imam in reference and his conduct.

It is possible the Committee members are already aware of all the issues you have raised. We do not see how our fatwa will make a difference. Furthermore, since you named the Masjid, it is irresponsible of us to issue a fatwa based on unilateral facts.

However, in order to assist the Committee in understanding the qualities of an Ideal Imam, we present the following-

1) The position of an Imam is a sacred one that brings with it great responsibilities. Rasulullah Sallallahu Alahi Wa Sallam used to be the Imam of the Sahabah in his lifetime. Before his demise, he instructed Hadhrat Abu Bakr Siddiq Radiallahu Anhu to lead the Salah. It is clear from this that the Imam is the deputy of Rasulullah Sallallahu Alahi Wa Sallam and the best and ideal person, Abu Bakr Siddiq Radiallahu was to be chosen as an Imam. The best person chosen as an Imam is also understood from the following Hadith,

يَوْمُ الْقَوْمِ أَقْرَأُهُمْ لِكِتَابِ اللَّهِ، وَأَقْدَمُهُمْ قِرَاءَةً، فَإِنْ كَانَتْ قِرَاءَتُهُمْ سَوَاءً، فَلْيَتَوَقَّعْ أَقْدَمُهُمْ هِجْرَةً، فَإِنْ كَانُوا فِي
الْهَجْرَةِ سَوَاءً، فَلْيَتَوَقَّعْ أَكْبَرُهُمْ سُنًّا

The one who is most versed in The Quran should act as Imam for the

people, but If they are equally versed in reciting it, then the one who has most knowledge regarding Sunnah if they are equal regarding the Sunnah, then the earliest one to emigrate; if they emigrated at the same time, then the oldest one in age. (Muslim)

An Imam is the means between Allah and the Musallies. The validity of the peoples Salah rest upon him. Therefore, Taqwa and Allah consciousness of the Imam is vital in fulfilling the role of the Imam.

The Imam should have the following qualifications and characteristics-

- 1) He must be well learned especially in issues pertaining to Imaamat and Salaah.
- 2) He must have mastered Tajweed rules to facilitate correct recitation of qiraat in Salaah.
- 3) He should adhere to the Sunnah in appearance and conduct.
- 4) He must be a person with Taqwa (Allah consciousness).

He should not-

- 1) Engage in Haram; lies, extra marital affairs, Haram dealings.
- 2) Trim or cut his beard beyond one fist or do anything contrary to Shari'ah.
- 3) He should not freely choose any ruling of any Imam as every person is prone to follow his nafs and desires.

The Trustees are entrusted with the responsibility of running the

affairs of the Musjid. Therefore all issues of the Musjid are a sacred task and an Amanah for which they will be responsible on the Day of Qiyamah.

If the correct and ideal Imam is appointed, the Trustees will be greatly rewarded by Allah Ta'ala for their efforts. If the wrong person is appointed and the trustees are aware of violations of Shari'ah, they will be sinful. Accordingly if the Imam is guilty of sinful acts and sincere people feel compromised on performing Salah behind him, then the trustees should replace him with a suitable Imam.

DONATING BREAST MILK

Q: My sister has breast milk that is frozen and didn't use. In Islam is she allowed to donate it to the milk bank who uses it to feed other babies that's born ill and formula doesn't agree with? Or should she just discard of it?

A: The system of breastfeeding in Shari'ah constitutes the establishment of foster relationships. As a result, the following implications arise:

- It becomes impermissible for the foster parents to marry the child, its ascendants (usūl) and descendants (furū').
- It becomes impermissible for the child to marry any of the foster parents, their biological and foster ascendants (usūl) and descendants (furū').
- It becomes impermissible for all those children who have been breastfed by the same woman to marry each other.
- As a general principle, foster relations prohibit the marriage

of all such people with whom nikāh in Shari'ah is not permissible due to biological relations.

In the case of donating milk to a milk bank, it is important to understand the operations of a milk bank. Majority of the milk banks pool whatever milk they receive and redistribute it to hospitals and individuals. The system of pooling the milk results in the fusion of the milk particles of one woman's milk with the rest of the milk. Resultantly, feeding a child from any portion of such milk will constitute the establishment of a foster relationship between the child and all those women whose milk has been pooled together. This will in turn create complications relating to the permissibility of marriage with any individual who may have been fed such milk.

Hence, it will highly inappropriate to give the milk to a milk bank. She should dispose of the milk in a dignified manner, preferably by burying it in the ground

WHO ARE THE "GHURABAA" MENTIONED IN THE HADITH?

Q:What is the meaning of hadith that Islam began as strange and will return to being strange? Also who are the strangers mentioned in hadith?

A:There are two issues of clarification here:
 The general connotation of the Hadith
 And the interpretation of the word "strangers" in Hadith
 1. The Hadith mentioned in reference is as follows:

قال رسول الله صلى الله عليه وسلم: بدأ الإسلام غريبا وسيعود كما بدأ غريبا فطوبى للغرباء

Translation: the Messenger of Allah (peace and salutations be upon him said, "Islam began as something strange and will return as something strange as it began, so give glad tidings to the strangers". This narration is authentic and found with slight variations in wording on the authority of Abdullah ibn Mas`ud, Abu Hurairah and Ibn Umar (may Allah be pleased with them all) as recorded in Sahih Muslim (262) ; Sunan at-Tirmidhi (2629) and Musnad al-Imam Ahmad (3814 & 9114) .

The narration of Sahih Muslim on the authority of Ibn Umar (may Allah be pleased with him) includes:

وهو يأرز بين المسجدين كما تأرز الحية في جحرها

Translation: It (Islam) will recede between the two mosques just as the serpent crawls back into its hole.

The narration of Sahih Muslim on the authority of Abu Hurairah (may Allah be pleased with him) contains:

إن الإيمان ليأرز إلى المدينة كما تأرز الحية إلى جحرها

Translation: Verily the Iman will recede to Madinah just as the serpent crawls back into its hole.

1. Sheikh Shabbir Ahmad al-Uthmani (may Allah have mercy on him) in Fat'h al-Mulhim bi Sharh Sahih al-Imam Muslim (1: 115) explains:

والظاهر عندي والله أعلم أن هذا وقت خروج الدجال ... فالمراد والله أعلم أن الإسلام يكون موقرا مأمونا من

فتنة المسيح الدجال ورعيه في هذين المسجدين المكرمين

Translation: This narration is referring to the era in which Dajjal (the anti-Christ) will appear ... Islam will be revered and secured from the trial and awe of Dajjal, the anti-Christ, in these two auspicious mosques [of al-Masjid al-Haram in Makkah al-Mukarramah and al-Masjid an-Nabawi in al-Madinah al-Munawwarah]. In explaining this, Allamah Ali bin Sultan Muhammad al-Qari (may Allah have mercy on him) in Mirqat al-Mafatih Sharh Mishkat al-Masabih explains:

والمراد أن أهل الإيمان يفرون بإيمانهم إلى المدينة وقاية بها عليه

Translation: The believers will flee to Madinah in order to protect and safeguard their Iman by virtue of it

2. Al-Hafidh Ibn Hajar al-Asqalani , as also asserted by Qadhi Iyadh and Imam an-Nawawi (may Allah have mercy on them all), states:

أي : إنها كما تنتشر من جحرها في طلب ما تعيش به فإذا راعها شيء رجعت إلى جحرها ، كذلك الإيمان انتشر في المدينة ، وكل مؤمن له من نفسه سائق إلى المدينة لمحبتة في النبي - صلى الله عليه وسلم - ، فيشمل ذلك جميع الأزمنة لأنه في زمن النبي - صلى الله عليه وسلم - للتعليم منه ، وفي زمن الصحابة والتابعين وتابعيهم للاقتداء بهديهم ، ومن بعد ذلك لزيارة قبره - صلى الله عليه وسلم - والصلاة في مسجده والتبرك بمشاهدة آثاره وآثار أصحابه .

Translation: the serpent disperses from its hole to seek sustenance and when is it frightened it returns to seek refuge in its hole. Similarly, Iman will spread from Madinah and every believer has in himself a desire or need driving him back to Madinah due to the love of Prophet Muhammad (peace and salutations be upon him). This encompasses all times. This is because the people were driven to Madinah at the time of Prophet in order to learn from him; in the times of the companions and their followers, to follow their guidance; and in later times, to visit the grave of Prophet (peace and salutations be

upon him), to observe salah in his mosque and to gain blessings by witnessing his monuments and the monuments of his companions.

3. Al-Qadhi Iyadh (may Allah have mercy on him) states:

وظاهر الحديث العموم وأن الإسلام بدأ في آحاد من الناس وقلة ثم انتشر وظهر ثم سيلحقه النقص والإخلال
حتى لا يبقى إلا في آحاد وقلة كما بدأ

Translation: The outward of the Hadith is inclusiveness. Verily Islam began among individuals and very few people and it then gradually spread and arose. However, thereafter it will be afflicted with paucity and disruption to the extent that once again it will remain only in individuals and few people just as it began.

The explanation of the word “strangers” is expounded by other narrations themselves:

The narrations in Sunan Ibn Majah (3980) and Musnad al-Imam Ahmad (3814) include:

قيل: ومن الغرباء؟ قال: النزاع من القبائل

Translation: He was asked, “Who are the strangers?” He (peace be upon him) replied: those who completely break away and withdraw themselves from their own tribes.

Imam al-Harawi (may Allah have mercy on him) states:

أراد بذلك المهاجرين الذين هجروا أوطانهم إلى الله تعالى

Translation: It refers to those migrants who leave their hometowns for the sake of Allah Ta'ala

Al-Imam Ahmad (may Allah have mercy on him) records in his Musnad (6692 & 7125) on the authority of Abd Allah bin Amr al-As (may Allah be pleased with him):

قال رسول الله ذات يوم ونحن عنده طويي للغرباء فقليل من الغرباء يا رسول الله قال أناس صالحون في أناس
سوء كثير من يعصيهم أكثر ممن يطيعهم

Translation: Allah's Messenger (peace and salutations be upon him) said one day while we were by him, "Blessed are the strangers." He was then asked: "Who are the strangers, Oh Allah's Messenger?" He replied: "They are righteous people among many evil people who disobey them more than they obey them."

Similarly, Imam at-Tirmidhi (may Allah have mercy on him) includes a reliable narration in his Sunan (2630):

أن رسول الله صلى الله عليه وسلم قال إن الدين ليأرز إلى الحجاز كما تأرز الحية إلى جحرها وليعقلن الدين
من الحجاز معقل الأروية من رأس الجبل إن الدين بدأ غربيا ويرجع غربيا فطويي للغرباء الذين يصلحون ما
أفسد الناس من بعدي من سنتي

Translation: Allah's Messenger (peace and salutations be upon him) said: "The religion will recede to the Hijaz like the serpent recedes into its hole. The religion will cling to the Hijaz like the mountain goat clings to the mountaintop. The religion began strange, and it will become strange again just as it was, so blessed are the strangers who restore what the people corrupt of my Sunnah."

As the era of Prophet Muhammad and the companions grows longer, evil will increase and righteousness will decrease.

The “strangers” mentioned in the Hadith refers to those righteous individuals who forsake their luxuries, resist the impediments of society discouraging them from practicing Islam, adhere to the teachings of Allah and His Messenger (peace be upon him), and revive the Sunnah while living where evil is rife, the teachings of Islam are assumed to be foreign and abandoned, and there are very few people who agree with them, assist them and revive Islam.

[Sahih Muslim bi Sharh an-Nawawi, 1: 453-4, Dar ibn Rajab; Fat`h al-Mulhim bi Sharh Sahih al-Imam Muslim, 1: 115, Dar al-Qalam, Damascus) (Kitab al-Iman)]

Also in [Mirqat al-Mafatih Sharh Mishkat al-Masabih, 1: 243, Dar al-Fikr Beirut]

[Sahih Muslim bi Sharh an-Nawawi, 1: 454; Fat`h al-Mulhim bi Sharh Sahih al-Imam Muslim, 1: 115]

[Sahih Muslim bi Sharh an-Nawawi, 1: 454; Fat`h al-Mulhim bi Sharh Sahih al-Imam Muslim, 1: 116]

[1: 243, Dar al-Fikr, Beirut]

[Fat`h al-Bari Sharh Sahih al-Bukhari In Fat`h al-Mulhim bi Sharh Sahih al-Imam Muslim, 1: 116]

[Sahih Muslim bi Sharh an-Nawawi, 1: 455]

[Fat`h al-Mulhim bi Sharh Sahih al-Imam Muslim, 1: 115; Sahih Muslim bi Sharh an-Nawawi, 1: 455]

[Fat`h al-Mulhim bi Sharh Sahih al-Imam Muslim, 1: 115; Sahih Muslim bi Sharh an-Nawawi, 1: 455]

MY FAMILY IS PUTTING PRESSURE ON ME!

Q: My cousin is getting married soon and 100 people of my family from Europe and Africa have come to stay in our house for the wedding. I am only going to attend the nikkah in the masjid. The wedding ceremony and the walima will have intermingling of opposite genders and photography. So i'm not going to attend those functions and i'm the only one in the house who is not attending them. My parents are not against me they support my decision but they will attend the ceremonies and won't defend me in my decision. The other relatives are criticizing me on my decision. Here are some of their points - Why do you go to the market for shopping then, why do you go to campus as there are mixed genders there too?

A scholar in their mosque is from Al-Azhar university of Egypt and has declared that intermingling of sexes is allowed because there was no separation between men and women. You are going to hurt us and your cousin and his family and your grandparents if you don't come and this is against akhlaq. If this is so much sin for you then just attend the wedding and then make taubah. Please help me regarding these points and give me answers for all of these points.

A: The most difficult choices that we are faced with in life involve those that make us choose between our family and our deen. It is at these times it is important for one to exercise caution and deal with one's family in a calm and dignified manner.

Nowadays, traditional marriages prevalent amongst the South Asian communities involve many acts contrary to the dictates of Shari'ah and the Sunnah of our beloved Nabi (sallallahu alaihi wa sallam) such as the intermingling of men and women, unislamic customs and traditions, music, photography, etc.

As such, it is best that you stick to your original judgment and avoid attending such gatherings. In reference to the points brought up by your relatives, it is first important to understand that you are not liable to give an explanation to each of the arguments posed by your relatives, especially when your parents support your decision. In such situations, you should simply excuse yourself from attending the gathering and kindly inform your family members about your stance concerning this matter without delving into unnecessary details. Nevertheless, for the sake of clarity we shall expound on these issues and address them as follows:

(1) Allah Ta'ālā has given us a perfect religion that takes into account the needs of humanity as a whole. Those who misunderstood this concept would taunt the Muslims and ridicule them. Allah Ta'ālā himself mentions such people in the Quran who used to taunt the Holy Prophet (sallallahu alaihi wa sallam) and say:

مَا لِهَذَا الرَّسُولِ يَأْكُلُ الطَّعَامَ وَيَمْشِي فِي الْأَسْوَاقِ

What sort of messenger is this who eats food and walks in the markets? [Al-Quran, 11:7]

Similarly, there is (and always was) a need in society for medical doctors who can tend to the sick and ill, especially at times when there is an outburst of certain diseases within individual communities. Therefore, Shari'ah has allowed one to pursue the field of medicine and offer one's service at a hospital as per the need of the society.

(2) Interaction with ghairmahrams and mixed gatherings are not only contrary to the teachings of the Quran and Sunnah, but they also corrode the fine natural values Islam attempts to inculcate within us. As a result, these gatherings also become a reason for invoking

the anger of Allah Ta'ālā. Allah Ta'ālā says in the Holy Quran:

قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَى لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ. وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ (سورة النور، ١٣)

Say to the believing men that they must lower their gazes and guard their private parts; it is more decent for them. Surely Allah is All-Aware of what they do. And say to the believing women that they must lower their gazes and guard their private parts, and must not expose their adornment. [Al-Quran, 24:30-31]

The Holy Prophet (sallallahu alaihi wa sallam) said:

كُتِبَ عَلَى ابْنِ آدَمَ نَصِيْبُهُ مِنَ الزِّنَا، مُدْرِكُ ذَلِكَ لَا مَحَالَةَ، فَالْعَيْنَانِ زِنَاهُمَا النَّظَرُ، وَالْأَذْنَانِ زِنَاهُمَا الْإِسْتِمَاعُ، وَاللِّسَانُ زِنَاهُ الْكَلَامُ، وَالْيَدُ زِنَاهَا الْبَطْشُ، وَالرَّجُلُ زِنَاهَا الْخَطَا، وَالْقَلْبُ يَهْوَى وَيَتَمَنَّى، وَيُضَدِّقُ ذَلِكَ الْفَرْجُ وَيَكْذِبُهُ

Allah has written for the children of Adan their share of zina which he commits inevitably. The zina of the eyes is the sight (to gaze at a forbidden thing), the zina of the ears is to hear, the zina of the tongue is the talk, the zina of the hands is to touch (that which is forbidden), the zina of the feet is to take steps (towards that which is forbidden) and the heart wishes and desires and the private parts testify all this or deny it. [Sahīh Muslim, 2657, Book of al-Qadr (Fate)]

From the above texts, it should be quite apparent that Shari'ah has emphasized that one should lower his gaze and try one's best to protect his or her own chastity. In occasions such as these, it is obvious to all those who attend that such commands of Shari'ah are not take into consideration and the laws of Allah Ta'ālā are thrown aside.

A traditional shaadi and an Islamic lecture bear no similarity at all, especially in today's day and age. Furthermore, a lecture is limited to

simply hearing a speech and requires no interaction between men and women. On the other hand, aside from intermingling with the opposite gender, traditional marriage ceremonies force one to sit in gatherings full of music, idle talk, and *rusumaat* (customs) that hold no basis in Shari'ah at all.

(3) The Holy Prophet (sallallahu alaihi wa sallam) has said:

لَا طَاعَةَ لِمَخْلُوقٍ فِي مَعْصِيَةِ الْخَالِقِ

There is no obedience to the creation in disobedience to the creator [Mishkah al-Masabih, 3696, Chapter of Imarah and Qadha]

It is illogical for one to please his relatives while displeasing the Creator himself. Akhlaq entails one to be kind and affectionate towards one's relatives and keep good relation with them. This does not mean that one should sacrifice one's Islamic values for the sake of another. The prophets in the past were always shunned by their close relatives because they would give preference to the commands of Allah Ta'ālā over the invitations towards evil from their families.

(4) Allah Ta'ālā narrates the story of Prophet Yusuf (alaihis salam) and describes the rationale his brothers used in their plot to kill Yusuf (alaihis salam) as they said to one another:

اَفْتُلُوْا يُوْسُفَ اَوْ اَطْرَحُوْهُ اَرْضًا يَخْلُ لَكُمْ وَجْهُ أَبِيكُمْ وَتَكُوْنُوْا مِنْ بَعْدِهِ قَوْمًا صَالِحِيْنَ

Kill Yusuf or throw him in some land , so that your father's face may be yours alone, and after that you may become a righteous people. [Al-Quran, 12:9]

This concept of sinning with the intention to repent later is foreign to the teachings of Islam. If one's life is taken while one is engaged in

such an act, can he be guaranteed forgiveness after having the audacity to purposely overstep the boundaries of Allah Ta'ālā? Allah Ta'ālā says in the Holy Quran:

إِنَّمَا التَّوْبَةُ عَلَى اللَّهِ لِلَّذِينَ يَعْمَلُونَ السُّوءَ بِجَهَالَةٍ ثُمَّ يَتُوبُونَ مِنْ قَرِيبٍ فَأُولَٰئِكَ يَتُوبُ اللَّهُ عَلَيْهِمْ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا وَلَيْسَتِ التَّوْبَةُ لِلَّذِينَ يَعْمَلُونَ السَّيِّئَاتِ حَتَّىٰ إِذَا حَضَرَ أَحَدَهُمُ الْمَوْتُ قَالَ إِنِّي تُبْتُ الْآنَ

The relenting taken by Allah upon Himself is for those who do evil in ignorance then repent shortly there after. So, Allah relents towards them. And Allah is All-Knowing, All-Wise. And the relenting is not for those who do the evil deeds until when the time of death approaches one of them, he says, “Now I repent”... [Al-Quran, 4:7-8]

May Allah Ta'ālā keep you steadfast on your deen and grant you success in this life and the hereafter. Ameen.

Comments from Mufti Ebrahim Desai Saheb (Dāmat barakātuhū):

Your relatives may be fully aware of the various violations of Shari'ah while they seek your participation to support their denial of their wrong. Your persistent and gentle aversion to the wrongs will inculcate respect and honour in their hearts for your taqwā and piety. Your attitude will also serve to make them contemplate and reform their lives. The beauty and dignity emanating through taqwā always rides high.

THE HOORS OF JANNAH

Q:In book by the great Imam Ghazzali: Ihya Uloom Ed-Din. Volume 4, Page-4.430; “According to Prophet Muhammad the Hurs (Houris) of Paradise will be pure women—free of menstruation, urine, stool, cough and children. The Hurs will sing in Paradise on divine purity and praise—we are most beautiful Hurs and we are for the honored husbands. Muhammad also said that an inmate of Paradise will have the sexual strength of 70 men. Muhammad said, “An inmate of Paradise will have 500 Hurs, 4,000 unmarried women and 8,000 widowed women. Each of them will keep embracing him for the duration of his whole worldly life.”

Volume 4, Page-4.428 of the same book: The Prophet Muhammad said once to Jaber: “Shall I not give you the news of the windows of Paradise ? We said: O Messenger of God give us that information. He said: Those are made of emeralds and jewels. Their inner parts will be seen from their outer parts. Therein there will be such enjoyments, amusements and joys as no eye has seen, no ear has heard and no heart has conceived. I said: O Messenger of God, who will be the owners of those windows? He said: Those who spread peace, give food, keep fasts, pray at night when the people remain asleep. We asked: O Messenger of God, who will be able to do that? He said: My people will be able to do that. I am saying it to you. He who meets his brother, salutes him and replies to his salute, spreads peace; and he who gives food to his wife and members of his family to their satisfaction gives food. He, who keeps fast of Ramazan and three days every month, keeps fast as it were for the whole year. He who prays Isha and Fajr in congregation prays as it were the whole night when the people remain asleep. God says: The fine buildings in Eden Paradise.’

The Prophet said regarding its meanings: These places are built of emeralds and jewels and in each building there will be 70 rooms of red colour and in each room 70 sub-rooms of green colour and in each sub-room there will be one throne and over each throne 70 beds of varied colours and on each bed a hoor al-ayn (hourī- a girl having wide lovely eyes with intense black irises). There will be 70 dining cloth in each room and 70 kinds of food in each dining cloth. There will be seven girls in each room. Each believer will be given such strength in the morning as he can cohabit with them".
the question is if they are authentic or not?

A : **Narration no. 1** - "The Hurs of Paradise will be pure women-free of menstruation, stool, urine, saliva, cough, female-ejaculation and children " This is not a hadith of Prophet Muhammad (peace be upon him) but part of commentary of the Qur'an rendered by Mujahid (may Allah have mercy on him) and recorded by Ibn al-Mubarak in az-Zuhd [243] and Sunan al-Baihaqi in al-Ba`th wa an-Nushur [350].

This statement is authentic and it is supported by various companions of Prophet Muhammad (peace be upon him) and commentators of Qur'an like Abu Saeed al-Khudri, Abdullah ibn Abbas, Abdullah ibn Mas`ud, Ata and Qatadah (may Allah be pleased with them all). [Ithaf al-Sadah al-Muttaqin bi Sharh Ihya Uloom ad-Din, 10: 545, Dar al-Fikr]

Narration no.2

"The Hurs will sing in Paradise: we are most beautiful Hurs and we are concealed for the honoured husbands " This Prophetic narration is also recorded by Ibn Abi ad-Dunya in Sifat al-Jannah [249], al-Bayhaqi in al-Ba`th wa an-Nushur [369] and at-Tabrani in al-Awsat [4914].

The narration is acceptable and has also been attributed to Anas (may Allah be pleased with him) . [Ithaf al-Sadah al-Muttaqin bi Sharh Ihya Uloom ad-Din, 10: 547, Dar al-Fikr]

Narration no.3

“An inmate of Paradise will be given in a single day the sexual strength of more than 70 men from amongst you ”

This Prophetic saying is recorded by Abu Nu`aym in Ma`rifat as-Sahabah [2: 972-3] and al-Bayhaqi in al-Ba`th wa an-Nushur [3551]. This narration is acceptable[Ithaf as-Sadah al-Muttaqin bi Sharh Ihya Uloom ad-Din, 10: 545, Dar al-Fikr] and collaborated by various other reports including a narration recorded by at-Tirmidhi in Sunan at-Tirmidhi [2536] that, “the prophet (peace be upon him) said, “A believer in Paradise will be given the sexual strength of such and such.” He (peace be upon him) was asked, “Will he be able of that?” He (peace be upon him) replied, “He [the inmate of Paradise] will be given the strength of 100 men”.

Narration no.4

“An inmate of Paradise will have 500 Hurs, 4,000 virgins and 8,000 widowed women. He will keep embracing each of them for the duration of his whole worldly life ”

This report is also attributed to Prophet Muhammad (peace be upon him) and recorded by Ibn Abi ad-Dunya in Sifat al-Jannah [266] and by al-Bayhaqi in al-Ba`th wa an-Nushur [364].

Hafidh al-Iraqi states that this narration is weak . [Ithaf al-Sadah al-Muttaqin bi Sharh Ihya Uloom ad-Din, 10: 546, Dar al-Fikr]

Narration no.5

It is recorded by Abu Nu`aym in al-Hilyah [2: 356] and al-Bayhaqi in al-Ba`th wa an-Nushur [243] that:

Jabir (may Allah be pleased with him) states, "Allah's Messenger (peace be upon him) said to us: "Shall I not give you the news of the rooms of Paradise?" He says, "We said: O Messenger of Allah, may our parents be sacrificed for you, Do inform us." He said, "All the rooms in Paradise are [built] of different kinds of jewels. Their inner parts will be seen from their outer parts and their outer parts will be seen from their inner parts. Therein there will be such enjoyments, amusements and joys as no eye has seen, no ear has heard and no heart has conceived". I said, "O Messenger of Allah, who will be the owners of those rooms?" He said, "Those who spread peace, give food, continue to fast, pray at night when the people remain asleep." He says, "We asked, "O Messenger of Allah, who will be able to do that?" He said, "My ummah (nation) will be able to do that. I am saying it to you. He who meets his brother, greets him with salaam and replies to his salaam, spreads peace; and he who gives food to his wife and members of his family to their satisfaction, gives food. He, who keeps fast of Ramadhan and three days of every month, continues to fast. He who prays Isha and Fajr in congregation, prays at night when the people remain asleep .

This narration is also supported by various other chains and thus it is reliable . The author of Ithaf al-Sadah al-Muttaqin bi Sharh Ihya Ulom ad-Din [10: 530, Dar al-Fikr] explains:

هذا الحديث وإن كان ضعيفا إلا أنه روي من طرق يقوي بعضها بعضا

Translation: This narration, albeit it is weak, has been narration from other roots, some which strengthen others.

Narration no.6

The Prophet was asked regarding the statement of Allah, "The fine buildings in Eden Paradise." The Prophet replied, "[These] palaces [are built] of pearls and in each building there will be 70 rooms of

red rubies and in each room 70 sub-rooms of green emeralds and in each sub-room there will be one throne and over each throne 70 beds of varied colours and on each bed a hur al-ayn. There will be 70 table spreads in each room and 70 kinds of food in each table spread. There will be 70 maids in each room. Each believer will be given such strength in the morning as he can cohabit with each of them . This narration is recorded by al-Bayhaqi in al-Ba`th wa an-Nushur [245]. The same narration mentioned by Ibn Abi ad-Dunya in Sifat al-Jannah [177] and al-Bazzar in Musnad al-Bazzar [3563] adds, "And in each room there will be 70 sub-rooms of green emerald, and in each sub-room there will be seventy thrones".

This narration is claimed to be a fabricated by Allama Suyuti in al-La`ali al-Masnu`ah fi al-Ahadith al-Mawdhu`ah [2: 376] and incorrect by Hafidh al-Iraqi.

Ihya Uloom ad-Din li al-Imam al-Ghazali, 9: 619, Dar al-Minhaj; Ibid, 2: 1930, Dar as-Salam; Ithaf as-Sadah al-Muttaqin bi Sharh Ihya Uloom ad-Din, 10: 545, Dar al-Fikr]

Ihya Uloom ad-Din li al-Imam al-Ghazali, 9: 620, Dar al-Minhaj; Ibid, 2: 1926, Dar as-Salam; Ithaf as-Sadah al-Muttaqin bi Sharh Ihya Uloom ad-Din, 10: 547, Dar al-Fikr]

وفيه الحسن بن داود بن المنكدر . قال البخاري: يتكلمون فيه وقال ابن عدي: أرجوا أنه لا بأس به. [Ibid, 2: 1930, Dar as-Salam]

قلت ورواه أيضاً من هذا الطريق سمويه في فوائده والحسن بن داود بن محمد بن المنكدر أبو محمد المدني روى عن عبد الرزاق والمعتزم روي له النساء وابن ماجه وقد تكلم في سماعه عن المعتمر مات سنة سبع وأربعين وقال أبو بكر بن أبي شيبة حدثنا شهاب بن سوار عن ابن أبي ثعلبة عن سمع أنسا يقول إن الحور العين في الجنة ليغتنين يقلن نحن خيرت الحسن غنينا لأزواج كرام

[Ithaf as-Sadah al-Muttaqin bi Sharh Ihya Uloom ad-Din, 10: 547, Dar al-Fikr]

Ihya Uloom ad-Din li al-Imam al-Ghazali, 9: 619, Dar al-Minhaj; Ibid, 2: 1930, Dar as-Salam; Ithaf as-Sadah al-Muttaqin bi Sharh Ihya Uloom ad-Din, 10: 530, Dar al-Fikr]

[Ihya Uloom ad-Din li al-Imam al-Ghazali, 9: 620, Dar al-Minhaj; Ibid, 2: 1930, Dar as-Salam; Ithaf as-Sadah al-Muttaqin bi Sharh Ihya Uloom ad-Din, 10: 546, Dar al-Fikr]

Ibid, 2: 1930, Dar as-Salam; 10: 546, Dar al-Fikr

[Ihya Uloom ad-Din li al-Imam al-Ghazali, 9: 607-8, Dar al-Minhaj; Ibid, 2: 1926, Dar as-Salam; Ithaf as-Sadah al-Muttaqin bi Sharh Ihya Uloom ad-Din, 10: 530, Dar al-Fikr]

قال العراقي رواه أبو نعيم من رواية الحسن بن جابر اه قلت ورويناه في جزء ابن السماك ورواه البيهقي وضعفه ابن عدي لكن أقام له إين القيم شواهد يعتضد بها وقال صاحب حادي القلوب بعد أن أوردته من فوائد إين السماك هذا الحديث وإن كان ضعيفاً إلا أنه روي من طريق يقوي بعضها بعضاً

[Ithaf as-Sadah al-Muttaqin bi Sharh Ihya Uloom ad-Din, 10: 530, Dar al-Fikr]

سئل رسول الله - صلى الله عليه وسلم - عن قوله عز وجل: (ومساكن طيبة في جنت عدن قال قصور من اللؤلؤ في كل قصر سبعون داراً من ياقوتة حمراء في كل دار سبعون بيتاً من زمرد أخضر في كل بيت سرير على كل سرير سبعون فراشاً من كل لون على كل فراش زوجة من الحور العين في كل بيت سبعون مائدة على كل مائدة سبعون لوناً من الطعام في كل بيت سبعون وصيفة ويعطى المؤمن في كل غداة يعني من القوّة ما يأتي على ذلك أجمع).

[Ihya Uloom ad-Din li al-Imam al-Ghazali, 9: 608, Dar al-Minhaj; Ibid, 2: 1926, Dar as-Salam; Ithaf as-Sadah al-Muttaqin bi Sharh Ihya Uloom ad-Din, 10: 530, Dar al-Fikr]

موضوع: جسر ليس بشيئ

[al-La'ali al-Masnu' ah fi 'l-Ahādith al-Mawdhū' ah, 2: 376, Dar al-Kutub al-Ilmiyyah]

قال العراقي: رواه أبو الشيخ في العظمة والأجري في كتاب الصحبة من رواية الحسن بن خليفة عن الحسن قال سألت أبا هريرة وعمران بن حصين عن هذه الآية ولا يصح والحسن بن خليفة لم يعرف ابن أبي حاتم والحسن البصري لم يسمع من أبي هريرة على قول الجمهور أهـ قلت: وفي كتاب الأجري زيادة عما هنا في كل بيت سبعون سريراً وفي كل بيت سبعون وصيفاً ووصيفة.

[Ihya Uloom ad-Din li al-Imam al-Ghazali, 2: 1926, Dar as-Salam; Ithaf as-Sadah al-Muttaqin bi Sharh Ihya Uloom ad-Din, 10: 530, Dar al-Fikr]

THE EXTENSION OF MINA INTO MUZDALIFAH

Q: In the recent past the Saudi authorities have started accommodating hajis in muzdalifah for lack of space at Mina. Under this situation will the hajis fulfil the condition of having stayed at Mina? Also hajis returning from Arafat also spend their nights where the camps have been extended into muzdalifah. Will the obligations of Wuquful of muzdalifah be fulfilled while spending the night in the areas where camps have been extended into muzdalifah?

A: The extension of Mina into Muzdalifah will still be regarded as a part of Muzdalifah and not a part of Mina as these places have been defined and designated from the time of the Prophet (salallahu alayhi wasallam). Therefore, all those who are residing in the extended camps outside of the boundary of Mina will be regarded to have stayed in Muzdalifah, not Mina.

Now that this has been understood, we will summarize the rulings pertaining to each location individually.

Muzdalifah:

It is wājib to spend the time between Fajr and sunrise on the 10th of Dhu 'l-Hijjah in Muzdalifah. The minimum duration necessary to

In principle, it is sunnah muakkadah to spend the night of the 8th, 10th, 11th and 12th of Dhu ‘l-Hijjah in Mina and Makrūh Tanzihī to not do so without any valid excuse. The minimum duration necessary to fulfill the sunnah is to spend the majority of each night in Mina. In the enquired case, since the camps on the extended portion do not fall within the boundaries of Mina, those who spend their nights within those camps will not have fulfilled the sunnah of mabīt fi ‘l-Minā (spending the night in Mina). However, since these people are compelled by the laws of Saudi Arabia to reside in these camps, we can hope that they will be excused from leaving the sunnah of spending the night in Mina.

In any case, since spending the night is sunnah and not wājib, one's Hajj will be fulfilled even if the night is spent outside of the boundaries of Mina and no expiation will be necessary.

عَدُوًّا أَهْمَدُ بِي حَبَلٍ. عَدُوًّا يُغَيِّبُ بِي سَعِيدٍ. عَدُوًّا جَعَفَرٌ عَدُوًّا أَبِي عَزَّابٍ. قَالَ: لَمْ قَالَ الْإِيَّيْ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ «قَدْ نَعَزْتُ هَا هُنَا وَنَسَى كَلِمَاتُهَا مَنَعَرَهُ وَوَقَفَ بِعَرَفَةَ» فَقَالَ: «قَدْ وَقِفْتُ هَا هُنَا وَغَرَفْتُ كَلِمَاتُهَا مَوْقِفٌ» وَوَقَفَ بِالْمَدَائِنِ فَقَالَ: «قَدْ وَقِفْتُ هَا هُنَا وَمَنْزِلَتُهُ كَلِمَاتُهَا مَوْقِفٌ».

(سنن أبي داود، ٧٠٩١، كتاب المناسك)

وَأَن اخْتَارَ بِرُفُوفِهِ مَوْضِعًا آخَرَ بِالْبُعْدِ مِنَ الْإِمَامِ جَزَاءَ لِعَدِيْثِ عَطَاءَ - رَحِمَهُ اللهُ تَعَالَى - أَنُ النَّبِيُّ - صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ - قَالَ «عَرَفْتُ كُلَّهَا مَوْفَقٌ، وَفِعَالٌ مَكَّةُ

كُلَّهَا مَنْعَرٌ. وَفِي خَبِيثٍ هِجَامٍ بَنِي عَزْرَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ «عَرَفْتُ كُلَّهَا مَوْفِقٌ، وَارْتَفَعُوا عَنْ بَطْنِ عَزْرَةَ، وَالْمُزْدَلِفَةَ كُلَّهَا مَوْفِقٌ، وَارْتَفَعُوا عَنْ وَادِي مُحَسَّبٍ، وَفِي وَفْوِهِ يَدْعُو هَكَذَا» (المبسوط للسرخسي، ج ٤، ص ٧٩، دار النوادر)

وَلَا يُضْمَلُ الْمَنْعَرُ عَنِّي يَأْتِي الْمُزْدَلِفَةَ لِمَا رَوَى مَا أَنَّ أَسَاسَةَ بَنِي زَيْدٍ - رَضِمَهُ اللَّهُ تَعَالَى - كَانَ رَضِيفَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الطَّرِيقِ مِنَ الْمُزْدَلِفَةِ فَقَالَ: الصَّلَاةُ يَا رَسُولَ اللَّهِ فَقَالَ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - الصَّلَاةُ أَمَّا نَكْ، وَمُرَادُهُ مِنْ هَذَا الْفِطْرُ إِذَا الْوَقْتُ أَوْ التَّكَلُّفُ (المبسوط للسرخسي، ج ٤، ص ٨١، دار النوادر)

(فصل: في البيوتة مزدلفة) وهي علي ما في القاموس: مضوى بين عرفات ومنى، لله يعقرب فيها إلى الله تبارك وتعالى، أو لاجتراب الناس إلى منى بعد الإفراخ، أو لمجيء الناس إليها في زلف من الليل، أو لأنها أرض مستوية منكوسة وهذا أقرب، قلت: لكن ما قبله للمقام أنسب...

(حاشية إرشاد الساري إلى مناسك الملا علي القاري، ص ٨٠٣، مؤسسة الريان)

[قال الحصكفي] (لَمْ وَقَفْ) مُزْدَلِفَةً، وَقَفْتُ مِنْ طُلُوعِ الْفَجْرِ إِلَى طُلُوعِ الشَّمْسِ، وَلَوْ عَلَا كُنَا فِي عَرَفَةَ [قال ابن عابدين] (قَوْلُهُ لَمْ وَقَفْ) هَذَا الْوَقْفُ وَاجِبٌ عِنْدَنَا لَا شَكَّ، وَالْبَيُوتَةُ مُزْدَلِفَةٌ شَكٌّ مُؤَكَّدٌ إِلَى الْفَجْرِ لَا وَاجِبَةٌ جَلَدًا لِلشَّافِعِيِّ فِيهَا كُنَا فِي الْبَابِ وَمُزْجِيهِ (قَوْلُهُ وَقَفْتُ لَمْ) لَمْ وَقَفْتُ جَوَازِهِ، قَالَ فِي الْبَابِ: وَأَوَّلُ وَقْفِهِ طُلُوعُ الْفَجْرِ الثَّانِي مِنْ يَوْمِ النَّحْرِ، وَآخِرُهُ طُلُوعُ الشَّمْسِ مِنْهُ، فَمَنْ وَقَفَ بِهَا قَبْلَ طُلُوعِ الْفَجْرِ أَوْ بَعْدَ طُلُوعِ الشَّمْسِ لَا يُعْتَدُّ بِهِ

(رد لمختار علي الدر المختار، ج ٣، ص ٤٠٦، دار للمعرفة)

(وأول وقته طلوع الفجر الثاني، أي ظهور الصبح الصادق (من يوم النحر) أي الأول (وآخره طلوع الشمس منه، فمن وقف بها قبل طلوع الفجر أو بعد طلوع الشمس لا يعتد به) وهذا واضح. وقدر الواجب منه ساعة ولو لطيفة) أي قليلة ولو لحظة أو لحظة (وقدر السنة امتداد الوقوف) أي من مبدأ الصبح (إلى الإفطار جدا) أي إلى الإفراخ بطريق المبالغة بحيث تكاد الشمس تطلع. (وأما ركنه) أي ركن هذا الواجب (فكبيوتته مزدلفة) أي دون غيرها كوادي محسر

(حاشية إرشاد الساري إلى مناسك الملا علي القاري، ص ١١٣، مؤسسة الريان)

وَقَدَّرَ الْوَاجِبَ مِنْهُ سَاعَةً وَلَوْ لَطِيفَةً وَقَدَّرَ السُّنَّةُ امْتِدَادَ الْوَقْفِ إِلَى الْإِفْطَارِ جَدًّا، وَأَمَّا رُكْنُهُ فَكَبُوتُهُ مُزْدَلِفَةً سَوَاءً كَانَ يَفْعَلُ نَفْسِهِ أَوْ يَفْعَلُ غَيْرُهُ بِأَنْ يَكُونَ مَحْمُولًا بِأَمْرِهِ أَوْ يَخْرُجُ أَوْ يَمْشِي عَلَيْهِ أَوْ مَجْبُورًا أَوْ سَكْرَانًا قَوْلُهُ أَوْ لَمْ يَتَوَقَّفْ عَلَيْهِ أَوْ لَمْ يَتَوَقَّفْ بِهَا أَوْ لَمْ يَتَوَقَّفْ لِبَابِ

(رد لمختار علي الدر المختار، ج ٣، ص ٤٠٦، دار للمعرفة)

(وأما ركنه) أي ركن هذا الواجب (فكبيوتته مزدلفة) أي دون غيرها كوادي محسر... (ولو مر بها في وقته) أي وقت وقوفه (من غير أن يبيت بها) صوابه: من غير أن يبيت فيها (جاء) أي وقوفه (ولا شيء عليه) لأنه لا يركن الواجب، وهو حصول الوقوف ضمن المرور كما في عرفه، والاستدانة غير واجبة هنا بخلافها بعرفة.

(حاشية إرشاد الساري إلى مناسك الملا علي القاري، ص ١١٣، مؤسسة الريان)

(والبيوتة بها سنة مؤكدة إلى الفجر) أن عندنا (لا واجبة)... (فبيوت تلك الليلة بها) أي كملا ليدرك الوقوف بها فجرا

(حاشية إرشاد الساري إلى مناسك الملا علي القاري، ص ٨٠٣، مؤسسة الريان)

[قال الحصكفي] فَلَمَّا ضَلَّ مَكَّةَ الْفَجْرَ: يَوْمَ التَّوْبَةِ (لَا مِنْ الشَّهْرِ خَرَجَ إِلَى مَنَى) قَرْنِي مِنَ الْمَنْعَرِ عَلَى فَرْسِهِ مِنْ مَكَّةَ (وَمَكَثَ بِهَا إِلَى فَجْرِ عَرَفَةَ لَمْ يَخُذْ طُلُوعَ الشَّمْسِ) (رَأَى فِي عَرَفَاتٍ) عَلَى طَرِيقِ ضَبِّ

[قال ابن عابدين] (قَوْلُهُ وَمَكَثَ بِهَا إِلَى فَجْرِ عَرَفَةَ) أَكَّدَ طَلَبَ الْمَيْبِتِ بِهَا قَوْلُهُ شَكٌّ كُنَا فِي الْمَحِيطِ، وَفِي الْمَنْبُوطِ: يُشْتَبَّحُ أَنْ يُضْمَلَ الطَّهْرُ يَوْمَ التَّوْبَةِ وَمَنْ يَضْمُرُ بِهَا إِلَى ضَمِيمَةٍ عَرَفَةَ أَوْ يَضْمُرُ الْفَجْرَ بِهَا يَوْفِيهَا الْمَحْطَرُ، وَهُوَ زَمَانُ الْإِفْطَارِ، وَفِي الْحَاشِيَةِ يَنْقَسِبُ، فَكَلَامُهُ كَلَامُهُ عَلَى فَجْرِ مُزْدَلِفَةٍ وَالْأَكْثَرُ عَلَى الْوَقْفِ الْإِفْطَارِ، دُرُغَ الْبَابِ. وَفِي مَتَالِيهِ التَّوْبَةِ: وَأَمَّا مَا يَقَعُ الْبَاسُ مِنْ دُخُولِهِمْ أَرْضَ عَرَفَاتٍ فِي الْيَوْمِ الثَّانِي فَقَدْ خَالَفَ الْمَشْهُورَ وَيَقَوُّهُمْ بِمَنْبِهِ مِنْ كَثِيرَةٍ مِنْهَا الصَّلَاةُ وَمَنْ وَالْمَيْبِتِ بِهَا، وَالْوُجُوهُ مِنْهَا إِلَى تَرْتِ وَالْمُزْدَلِفَةِ بِهَا وَالْحَبْطُ وَالصَّلَاةُ قَبْلَ دُخُولِ عَرَفَاتٍ وَغَيْرَ ذَلِكَ أَوْ قَوْلُهُ: وَالْوُجُوهُ مِنْهَا إِلَى تَرْتِ وَالْمُزْدَلِفَةِ بِهَا فِيهِ عِنْدَنَا كَلَامٌ يَأْتِي قَرِيبًا

(رد لمختار علي الدر المختار، ج ٣، ص ١٦٥، دار للمعرفة)

[قال الحصكفي] (لَمْ أَلَى مَنَى) قَبِيبَتْ بِهَا لِلرُّمَى

[قال ابن عابدين] (قَوْلُهُ قَبِيبَتْ بِهَا لِلرُّمَى) لَمْ تَلَى أَبَاحَ الرُّمَى هُوَ الشُّكُّ فَلَمْ يَكُنْ يَخْرُجُ مِنْهُ وَلَا يَكُونُ غَنِيَةً لِبَابِ

(رد لمختار علي الدر المختار، ج ٣، ص ١٦٦، دار للمعرفة)

ولو بات بمكة وخرج منها يوم عرفه إلى عرفات كان مغالفا للسنة ولا يلزمه الدم (الفتاوى المتأخرات، ج ٣، ص ٥٠٥، مكتبة زكريا)

(دون بات بمكة) وكذا بعرفة وغيرهما فالأدلى أن يقول: بغير منى (تلك الليلة جاز وأساء) أي ترك السنة علي القول بها. فقال الفارسي تبعها لما في المحيط: للبيت بها

سنة، وقال الكرمانى: ليس بسنة وإغما هي للتأهب والاستراحة، وفي للبسوط: ويستحب أن يصلي الظهر يوم العروة بمنى ويقوم بها إلى صبيحة عرفة. وأما ما ذكره المصنفى في الكبر من قوله: ويدل أيضا علي سنية ذلك استأنهم الدفع من منى بعد الطلوع فليس في محله، فإن هذه السنة مختصة لمن بات بمنى. (حاشية إرشاد الساري إلى مناسك الللا علي القاري، ص ٧٢٠، مؤسسة الريان)

م: ثم لا يبيت بمكة، وفي شرح الطحاوي: ولا بالطريق، م: بل يعود إلى منى ويبيت ثمة، وفي الهداية: ويكره أن لا يبيت بمنى ليالي الرمي، ولو بات في غيره متعمدا لا يلزمه شيء عندنا (الفتاوى المتأخرى، ج ٣، ص ٤٣٥، مكتبة زكريا)

وَيُكْرَهُ أَنْ يَبِيتَ فِي غَيْرِ مَنْى فِي أَيَّامِ مَنْى كَذَا فِي فَرْجِ الطَّحَاوِيِّ فَإِنَّ بَاتَ فِي غَيْرِهَا مُتَعَمِّدًا كَلَّا فَمَنْ عَلَيْهِ عِنْدَنَا كَذَا فِي الْهَدَايَةِ (الفتاوى الهندية، ج ١، ص ٢٣٢، مكتبة رشيدية)

(ولو بات أكثر لياليها في غير منى كره) أي تنزيها (ولا يلزمه شيء) أي عندنا (والسنة أن يبيت منى ليالي أيام الرمي) أي إن تأخر، وإلا ففي ليلتين. (حاشية إرشاد الساري إلى مناسك الملا علي القاري، ص ٢٣٢، مؤسسة الريان)

ويسن أن يبيت بمنى ليالي أيام الرمي، فلو بات بغيرها متعمدا كره لا شيء عليه عندنا، وقال مالك والشافعي رحمهما الله تعالى: هو واجب ينجز بالدم، والمعتبر فيه معظم الليل لا نقا. (غنية الناسك، ص ٩٧١، إدرة القرآن والعلوم الإسلامية)

ولم ينقل الأصحاب علي القدر للمعتبر في سنية الليبته، هل هو كل الليل من أوله حتى الصباح؛ أو هو المبيت في بعض الليل سواء كان في أوله أو آخره؛ ولا ريب أن الأكمل والأفضل للمبيت بها من أول الليل إلى آخره اقتداء بمسندنا رسول الله صلى الله عليه وسلم. أما لو بات بها أكثر الليل ينبغي أن يكون آتيا بالسنة أيضا؛ لأن الأكثر حكم الكل، إذ البيوتة وردت مطلقة، ولما لم ينصرف إلى الكامل وهو الليل أو أكثره: وهو مقتضى ما ذكره الأصحاب في الأيمان: لو حلف لبيتين الليلة، فالمعتبر أكثر الليل، نص عليه صاحب القنية وغيره. (البصر العميق، ج ٤، ص ٧٨٨١-٧٨٨١، مؤسسة الريان)

(1102) iwnayhduL habatkaM, 053. p 5. v. laH aknU ruA liaasam eK pA

وأما للمبيت بمنى ليلة كالتأهب أيام التشريق، فيحكمه إن لم ينفر حتى غربت الشمس كحكم الأولين، ولو نفر في النفر الأول قبل الغروب، جاز وسقط عنه مبيت الليلة عند الأئمة الأربعة. وهذا الذي ذكرناه في حق من لا عذر له. أما الذي له عذر كرماء الإبل، فإنه يجوز لهم ترك للمبيت لعذر الرعي، وكذا أهل السقاية، وكل من له عذر كمن يخاف نفسه أو ماله واشتغل بلبيبته.

[في التعليق للمحقق] والحق الفقهاء بأهل الأعذار في سقوط المبيت: سائر أهل الأعذار: مثل مرض يشق معه المبيت، وكذا ممن اشتغل ليلته بطواف الإفاضة، لأنه لازم له من عمل الحج، ويمكن للفقهاء - من خلال ما سبق بيانه في جواز ترك للمبيت مبني - أن يلحق بهم في الرخص من يقوم برعايتهم من السائقين والخدم... الخ... ويمكن أيضا أن يلحق بالسقاية والزراعة من يدخل معهم في علة المشقة في المبيت لحاجة الناس إليهم، أو تقتضي المصلحة العامة وجودهم في وظائفهم - خارج منى - حفاظا علي الأمن والنظام، ومراعاة لقضاء حوائج الناس التي لا يمكن تأديتها من قبل غيرهم: مثل الأطباء في لمستشفيات، وللساكنين لهم، أو العاملين في مرافق الصحة أو العاملين في مجال الأمن وتنظيم السير، أو من يقومون بشؤون الحرم أو المشاعر أو مصلحة ليلته وللجاري والكهرياء وكذا من يقوم برعاية المرضى أو المعوقين أو المعطوئين أو المسنين أو التائهين ونحوهم مما لا يتسع المجال لذكرهم.

(البصر العميق، ج ٤، ص ٧٨٨١، مؤسسة الريان)

للمراجع السابقة

TAWAF AL ZIYARAH WITHOUT WUDHU

Q: I and my wife performed Hajj this year. At start of Tawaf Ziarat Her wudo was broken but there was extreme rush and we had two children with us. It was very difficult to go out so she did tayyummum at same place and did Tawaf. Please tell me was it right and is there any damm on it?

A : In the enquired case, since the tayammum was not valid because of the availability of water nearby, you would need to make damm (sacrifice a sheep) for doing Tawaf-i-Ziyarah without wudhu.

بدائع الصنائع في ترتيب الشرائع (2/ 921)
 فَإِذَا طَافَ مِنْ غَيْرِ طَهَارَةٍ فَمَا دَامَ حَتَّى تَجِبَ عَلَيْهِ الْإِعَادَةُ، لِأَنَّ الْإِعَادَةَ جَبَرَتْ لَهُ بِجَنَسِهِ، وَجَبَرَتِ الْغَنَى بِجَنَسِهِ أَوَّلًا؛ لِأَنَّ مَعْنَى الْجَبَرِ، وَهُوَ التَّلَاقِي فِيهِ أَلَمْ تُكْمَلْ إِنْ أَعَادَ فِي أَيَّامِ التَّحَرُّمِ فَلَا ضَرَرَ عَلَيْهِ، وَإِنْ أَكْرَهُ عَنْهَا فَعَلَيْهِ دَمٌ فِي قَوْلِ أَبِي عُبَيْدَةَ، وَالْمَسْأَلَةُ تَأْتِي إِنْ شَاءَ اللَّهُ تَعَالَى فِي مَوْضِعِهَا، وَإِنْ لَمْ يَغْدُ، وَرَجَعَ إِلَى أَهْلِيهِ فَعَلَيْهِ الدَّمُ غَيْرَ أَنَّهُ إِنْ كَانَ مُخْدِجًا فَعَلَيْهِ شَاةٌ، وَإِنْ كَانَ جُبًّا فَعَلَيْهِ بَنَدَنَةٌ، لِأَنَّ الْخَدَثَ يُوجِبُ تَقْضِيًا بِسَيْرٍ فَتَقْضِيهِ الشَّاةُ لِيَجْزِيَهُ كَمَا لَوْ ذَكَرَ مُوَطَّأً

الاختصار لتعليل المختار (1/ 261)
 قَالَ: (وَلَوْ طَافَ بِالْقُدُومِ أَوْ لِلزَّيَارَةِ مُخْدِجًا فَعَلَيْهِ شَاةٌ) لِأَنَّهُ أَدْخَلَ النِّقْصَ فِي الرُّكْنِ وَهُوَ طَوَافُ الزَّيَارَةِ فَتَجِبُ الشَّاةُ

العناية شرح الهداية (3/ 25)
 (وَلَوْ طَافَ طَوَافُ الزَّيَارَةِ مُخْدِجًا فَعَلَيْهِ شَاةٌ، لِأَنَّهُ أَدْخَلَ النِّقْصَ فِي الرُّكْنِ)، وَإِنْ خَالَ النِّقْصَ فِي الرُّكْنِ أَفْشَى مِنْ إِدْخَالِهِ عَلَى الْوَاجِبِ

الجوهرية النيرة على مختصر القدوري (1/ 171)
 (قَوْلُهُ وَمَنْ طَافَ طَوَافَ الزَّيَارَةِ مُخْدِجًا فَعَلَيْهِ شَاةٌ) لِأَنَّهُ أَدْخَلَ النِّقْصَ فِي الرُّكْنِ فَكَانَ أَفْشَى مِنَ الْأَوَّلِ وَهُوَ طَوَافُ الْقُدُومِ فَيُجْزَى بِالدَّمِ وَكَذَا لَوْ طَافَ أَكْثَرَ مُخْدِجًا لَزِمَ لِأَكْثَرِ حَتْمِ الْكُلِّ

UMRAH UPON CHILDREN

Q : I made a niyyat to perform umrah this year together with my wife and two kids. Other family members will be travelling with us as well.

Is it required that my kids perform the umrah which will imply ihraam, tawaaf, saee etc. Or can i leave them in the room with a responsible family person whilst my wife and I complete our umrah.

A : It is not required for your minor children to perform ‘Umrah.

CONSUMING UNDEVEINED PRAWNS

Q:My question pertains to permissibility of eating prawns or shrimps. I know that it is halal in some schools and haram in others depending upon whether prawns are considered fish or not. My question is that in the schools that consider eating prawns halal, is it permissible to eat prawns that have not been deveined? Prawns have 2 visible veins in their body, 1 running along the back and one along its belly. The one along the back is actually its digestive tract and is filled with partially digested food as well as faeces. The digestive tract can be removed (deveining) before cooking. However if we eat a prawn in which the digestive tract has not been removed we would be consuming its faeces along with the flesh. Faeces is generally considered impure and haram. Would this also apply to prawn faeces? If so, then would it be permissible to eat a prawn whose digestive tract has not been removed before cooking?

A:The impurities in the digestive tract of a fish have to be removed in order for the fish to become permissible to consume. This is more essential in small fishes where generally the digestive tract is not cleaned. Accordingly, the same ruling will apply to prawns if consumed based on the opinion of those 'Ulamā who regard prawns as a fish. Therefore, it will be necessary to remove the digestive tract (a dark dorsal vein) before consuming.

وفي "الذخيرة" لو وجد سمكة في بطن طائفة يؤكل، وإن كانت الطائفة لا تؤكل، ولو وجد في حوصلة طائر يؤكل، وعند الشافعي - رحمه الله - لا يؤكل لأنه كالرجيع، ورجيع الطائر عنده نجس. قلنا: إما يصير رجيعاً إذا تغير. وفي السمك الصغير التي تقل من غير أن يشق جوفها، قال أصحابنا: لا يحل أكله لأن رجيعه نجس. وعندنا وسائر أجزائه تمل [البهجة، كتاب الذبائح، السمك إذا مات بأفه، ج ١١، ص ٥١٦، دار الكتب العلمية]

قلت: وفي معراج الدراية: لو وجدت سمكة في حوصلة الطائر يؤكل، وعند الشافعي لا يؤكل لأنه كالرجيع ورجيع الطائر عنده نجس، قلنا: إما يختص رجيعاً إذا تغير. وفي السمك الصغير التي تقل من غير أن يشق جوفها، فقال أصحابنا: لا يحل أكله لأن رجيعه نجس، وعند سائر الأئمة يحل [رد المحتار، كتاب الذبائح، ج ٦، ص ٩٠٣، سعيد]

السمك الصغير كلها مكروهة كراهة التحريم هو الأصح

[جواہر الاغلاطی، کتاب الذبائح، ص ۷۸۲/۹۲۲، مخطوط]

اس پر بندہ کو مدت سے اشکال تھا کہ مچھلی کا رجبہ کیونکر حلال قرار دیا گیا؟ جواہر الاغلاطی کی نص کراہت تحریمہ سے اطمینان ہوا۔ حرمت سمک صغار کی علت یہ ہے کہ آلاش صاف کی بغیر کھائی جاتی ہے اس سے مراد متعین ہے گی۔ [احسن الفتاوی، کتاب الصيد و الذبائح، ج ۷، ص ۹۸۲، سعید]

سوال: و مچھلی آلاش بغیر دور کی ہوئے اس کے معذہ سمیت خشک کر لی جاتی ہے، اس کو کھانا درست ہے یا نہیں؟
جواب: اس کو شگاف دے کر دھو کر پاک کر کے کھانا درست ہے۔
[امداد الفتاوی، خشک مچھلی کھانا، ج ۷، ص ۴۰۱، مکتبۃ دار العلوم کراچی]

EATING IN A RESTAURANT WHERE LIQUOR IS SERVED

Q: A family member owns a restaurant where they sell alcohol and allows customers to drink there. Is it permissible to sit in such a restaurant and eat?

A: It is not permissible for a Muslim to sell or serve alcohol in his restaurant. Furthermore, it does not behave a Muslim to eat in such a restaurant, irrespective of the restaurant being owned by a family member or anyone else.

'MUSLIM' MEALS ON INTERNATIONAL FLIGHTS

Q: Can we eat Muslim meals on international flights? Like LUFTANSA, UNITED, EMIRATES, ETHIHAD ETC.

A: Shari'ah emphasizes on exercising precaution in consuming food and to ensure the food is halal and beyond doubt. The Muslim meals offered by the various international flights generally refer to the meat in Muslim meals being halal. According to Shari'ah, halal meat refers to the meat of animals that can be consumed in Shari'ah, for example, chickens, goat, cattle, sheep, etc., if

the animal is slaughtered according to the Shari'ah laws of zabiha. It cannot be said with certainty that the halal meals offered on international flights is indeed halal. Some people have an incorrect understanding of halal, for example, the animal slaughtered by machine is regarded as halal. Furthermore, we do not know of the halal standards in different parts of the world.

It is possible that some halal certifying organizations have corrupt beliefs (aqidah) while other organizations may be lax in their supervision of halal etc. etc. When one is uncertain of the halal position of the meat on international flights, one should abstain from consuming such meals.

عَنِ الثَّغْمَانِ بْنِ جَبْرِ رَضِيَ اللَّهُ عَنْهُ، قَالَ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «الْخَلَالُ بَيْنَ وَالْخَرَامِ بَيْنَ، وَبَيْنَهُمَا أُمُورٌ مُشْتَبِهَةٌ، فَمَنْ تَرَكَ مَا شُبِّهَ عَلَيْهِ مِنَ الْإِلَهِ، كَانَ لِمَا اسْتَبَانَ أَثَرُهُ، وَمَنْ أَجْتَرَأَ عَلَى مَا يُلْكَ فِيهِ مِنَ الْإِلَهِ، أَوْشَكَ أَنْ يُؤَافِقَ مَا اسْتَبَانَ، وَالْمُعَافَى جَمْعُ الْإِلَهِ عَنْ يَرْتَعِ غَوْلُ الْجَمَى يُوشِكُ أَنْ يُؤَافِقَهُ» صحيح البخاري (35 / 3)

ANTI-DEPRESSANT HOMEMADE MIXTURE FROM THE SUNNAH

Q: I heard from someone that talbeenah is very good for sick people. Can you please advise relevant benefit of it and how is it made?

A: Talbeenah or Talbeen is a mixture made from either barley, milk, and honey or barley, milk, and dried dates. It can also be made with water. Talbeenah is recommended by Rasulullah Sallallahu Alayhi Wasallam which serves as an anti-depressant and is beneficial to overcome anxiety. The Hadith on Talbeenah is as follows:

عَنْ عَائِشَةَ، زَوْجِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَنَّهَا كَانَتْ إِذَا مَاتَ الْمَيِّتُ مِنْ أَهْلِهَا، فَاجْتَمَعَ لِدَلِكِ النِّسَاءُ، ثُمَّ تَفَرَّقْنَ إِلَّا أَهْلَهَا وَخَاصَّتْهَا، أَمَرَتْ بِزَمَةِ مِنْ تَلْبِينَةٍ فَطَبَخَتْ، ثُمَّ صَنَعَ تَرِيدًا فَصَبَّتِ التَّلْبِينَةَ عَلَيْهَا، ثُمَّ قَالَتْ: كُلْنَ مِنْهَا، فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «التَّلْبِينَةُ مُجَمَّةٌ لِفُؤَادِ الْمَرِيضِ، تَذْهَبُ بِبَعْضِ الْحُزَنِ»

Narrated 'Aisha: (the wife of the Prophet) that whenever one of her relatives passed away, the women assembled and then dispersed (returned to their houses) except her relatives and close friends. She would order that a pot of Talbina be cooked. Then Tharid (a dish prepared from meat and bread) would be prepared and the Talbina would be poured on it. 'Aisha would say (to the women), "Eat of it, for I heard Allah's Messenger saying, 'The Talbina soothes the heart of the patient and relieves him from some of his sadness/grief.' "

Hafiz Ibn Hajar Rahimahullah has explained the benefits of Talbeenah and its effect on the body and digestive system in his commentary of Bukhari Shareef as follows:

قَالَ الْمُؤَفَّقُ الْبَغْدَادِيُّ إِذَا شَتَّ مَعْرِفَةَ مَنَافِعِ التَّلْبِينَةِ فَاعْرِفْ مَنَافِعَ مَاءِ الشَّعِيرِ وَلَا سِوَمَا إِذَا كَانَ نُحَالَةً فَإِنَّهُ يَجْلُو وَيَنْفُذُ بِسُرْعَةٍ وَيُعْذِّي غَدَاءً لَطِيفًا وَإِذَا شُرِبَ حَارًّا كَانَ أَجْلَى وَأَقْوَى ثَقُودًا وَأَمَى لِلْحَرَارَةِ الْغَرِيزَةِ قَالَ وَالْمَرَادُ بِالْفُؤَادِ فِي الْحَدِيثِ رَأْسُ الْمَعِدَةِ فَإِنَّ فُؤَادَ الْحَزِينِ يَضْعُفُ بِاسْتِيلَاءِ الْيُبْسِ عَلَى أَغْضَائِهِ وَعَلَى مَعِدَتِهِ خَاصَّةً لِتَقْلِيلِ الْغَدَاءِ وَالْحَسَاءِ يُرَطِّبُهَا وَيُعْذِّبُهَا وَيَقْوِيهَا وَيَفْعَلُ مِثْلَ ذَلِكَ بِفُؤَادِ الْمَرِيضِ لَكِنِ الْمَرِيضُ كَثِيرًا مَا يَجْتَمِعُ فِي مَعِدَتِهِ خِلَاطٌ مَرَارِي أَوْ بَلْغَمِي أَوْ صَدِيدِي وَهَذَا الْحَسَاءُ يَجْلُو ذَلِكَ عَنِ الْمَعِدَةِ

Imam Muwaffaq al-Baghdadi Rahimahullah says: If you wish to know about the benefits of talbeenah, then you should understand the benefits of barley juice; especially when it is in the form of bran since it digests very quickly and provides a very light form of nourishment. And when it is consumed while it is hot, then it digests even more easily and it increases the natural heat of the body. He further mentions: the meaning of 'fu'ad/heart" in the Hadith is the stomach itself because the heart of a sad person becomes weak when dryness increases in his body parts and [increases] specifically in his stomach due to the lack of nourishment. And the soup/porridge moistens it, nourishes it, and provides it strength. It also has a similar effect on the heart of a sick person. However, the stomach of a sick person is often mixed with bile, mucus, or pus and this soup removes these substances from the stomach.

Recipe of Talbeenah:

1. Mix barley with milk or water and let it boil for approximately 45 minutes.
2. Add honey or dried dates.

There is always blessings and barakah in following the prescription of Rasulullah Sallallahu Alayhi Wasallam especially in this era of grief and depression. We therefore advise people involved in the food industry to consider manufacturing talbeenah and promoting the prescription of Rasulullah Sallallahu Alayhi Wasallam.

[1] والطَّبِيُّ: عَسَا يُقْعَدُ مِنْ مَاءِ الثَّمَالَةِ فِيهِ لَبَنٌ، وَهُوَ اسْمُ كَالْتَمَتَيْنِ. وَفِي حَدِيثٍ

عَائِشَةَ، رَضِيَ اللَّهُ عَنْهَا قَالَتْ: سَمِعْتُ رَسُولَ اللَّهِ، صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، يَقُولُ الثَّالِبَةُ مَجْمُوعَةٌ لِفُؤَادِ الْمَرِيضِ تُلْهِبُ بَعْضُهَا الْغُزْنَ

: الْأَصْمَعِيُّ: الثَّالِبَةُ خَسَاءٌ يُعْمَلُ مِنْ دَقِيقٍ أَوْ ثَمَالَةٍ وَيُفَعَّلُ فِيهَا غَسَلٌ، سُمِّيَتْ ثَالِبَةً تَشْبِيهَا بِاللَّيْلِ لِتَلْبِاسِهَا وَرَفِيقِهَا، وَهِيَ تَسْمِيَةٌ بِالْمَجْزِ مِنَ الثَّالِبِينَ مُضَرَّرٌ لَيْلَ الْقَوْمِ أَيْ سَقَاهُمْ اللَّيْلَ، وَقَوْلُهُ مَجْمُوعَةٌ لِفُؤَادِ الْمَرِيضِ أَيْ تَشْرُو عَنْهُ هُمُ أَيْ تَكْثِفُهُ. وَقَالَ الرَّيَاضِيُّ فِي حَدِيثٍ

عَائِشَةَ: عَلَيْهِمْ بِالْمُخَيَّنَةِ النَّافِعَةِ الثَّالِبِينَ

: قَالَ: يَغْنِي الْحَشَوُ، قَالَ: وَسَأَلْتُ الْأَصْمَعِيَّ عَنْ الْمُخَيَّنَةِ فَقَالَ: يَغْنِي الْبَيْضَةَ، ثُمَّ فَسَّرَ الثَّالِبِينَ كَمَا ذَكَرْتَاهُ.

[لسان العرب، الم، ج ٨، ص ٨٢ دار الحديث]

[2] (قَوْلُهُ بَابُ الثَّالِبِيَّةِ لِلْمَرِيضِ)

هِيَ يَفْتَحُ الْمُثَنَّى وَسُكُونُ اللَّامِ وَكَسْرُ الْمَوْحَدَةِ بَعْدَهَا تَحْتَابِيَّةٌ ثُمَّ نُونٌ ثُمَّ هَاءٌ وَقَدْ يُقَالُ بِلا هَاءٍ قَالَ الْأَصْمَعِيُّ هِيَ عَسَاءٌ يُعْمَلُ مِنْ دَقِيقٍ أَوْ ثَمَالَةٍ وَيُفَعَّلُ فِيهِ غَسَلٌ. قَالَ غَزِيَّةٌ أَوْ لَيْلٌ سُمِّيَتْ ثَالِبَةً تَشْبِيهَا لَهَا بِاللَّيْلِ فِي بِلَاسِهَا وَرَفِيقِهَا وَقَالَ بَنُ هُثَيْبَةَ وَعَلَى قَوْلِ مَنْ قَالَ يُخْلَطُ فِيهَا لَبَنٌ سُمِّيَتْ بِذَلِكَ لِتُخَالِطَةُ اللَّيْلِ لَهَا وَقَالَ أَبُو نُعَيْمٍ فِي الطَّبِّ هِيَ دَقِيقٌ نَفَثٌ وَقَالَ قُتَيْبٌ فِيهِ شَعْمٌ وَقَالَ السُّلَوْدِيُّ يُؤْخَذُ الْعَجِينُ غَيْرَ خَمِيرٍ فَيُفَرَّجُ عَلَاةً فَيُفَعَّلُ عَسَا فَيَكُونُ لَا يُخَالِطُ شَيْءَ فَلِذَلِكَ كَثُرَ نَفْعُهُ وَقَالَ الْمُؤَلِّفِيُّ الْبَغْدَادِيُّ الثَّالِبِيَّةُ الْعَسَاءُ وَتَكُونُ فِي قَوْلِ اللَّيْلِ وَهُوَ الدَّقِيقُ الْخَضِيعُ لَا الْغَلِيطُ النَّبِيءُ... (كَلْتِ تَأْمُرُنَا بِالْثَالِبِيَّةِ وَتَقُولُ هُوَ الْبَيْضُ الثَّالِبُ) فَوَضَعَ عِنْدَ أَحْمَدَ وَابْنِ مَاجَةَ مِنْ طَرِيقٍ كُلُّهُ عَنْ عَائِشَةَ مَرْفُوعًا عَلَيْكُمْ بِالْبَيْضِ النَّافِعِ الثَّالِبِيَّةِ يَغْنِي الْعَسَاءَ وَأَخْرَجَهُ السُّلَمِيُّ مِنْ وَجْهِ آخَرَ عَنْ عَائِشَةَ وَزَادَ وَالَّذِي نَفَسَ مُحْشَدٌ يَدِيهِ إِذَا لَتَغْفَلَ يَطْنُ أَحَدُكُمْ كَمَا يَغْفَلُ أَحَدُكُمْ الْوَسْخَ عَنْ وَجْهِهِ وَالنَّامَ وَهُوَ عِنْدَ أَحْمَدَ وَالتَّوْبِيَّةُ مِنْ طَرِيقٍ مُحْشَدٌ بِنِ السَّائِبِ بِنِ بَرَكَةَ عَنْ أُمِّهِ عَنْ عَائِشَةَ قَالَتْ كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا أَخَذَ لُحْلُؤَ الْوَعَالِ أَمَرَ بِالْعَسَاءِ فَضَبَعُ ثُمَّ أَمَرَهُمْ فَخَسَرُوا مِنْهُ ثُمَّ قَالَ إِنَّهُ يَنْزُو لِفُؤَادِ الْعَرَبِينَ وَيُشْرَوُ عَنْ لُحْلُؤِ الشَّعِيرِ كَمَا تَشْرَوُ إِعْدَائِي الْوَسْخَ عَنْ وَجْهِهِ وَالنَّامَ وَيَنْزُو يَفْتَحُ أَوَّلَهُ وَسُكُونُ الرَّاءِ وَضَمُّ الْمُثَنَّى وَتَشْرُو وَرَأَيْتُ مَهْمَلَةً ثُمَّ رَأَى وَمَعْنَى يَنْزُو يَقْوَى وَمَعْنَى يَنْزُو يَنْزِعُفُ وَالْبَيْضُ يوزن عظيم من البَيْضِ أَيْ يُبْعِثُهُ الْمَرِيضُ عَنْ كَوْبِهِ نَفْعُهُ كَسَائِرِ الْأَدْوِيَةِ... قَالَ الْمُؤَلِّفِيُّ الْبَغْدَادِيُّ إِذَا شَبَّتْ مَعْرِفَةُ مَنَافِعِ الثَّالِبَةِ فَارْفَعِ مَنَافِعَ مَاءِ الشَّعِيرِ وَلَا سِوَمَا إِذَا كَانَ لُحْلُؤَ كِلَاهُمَا

يَجْلُو وَيَتَقَلَّبُ بِمَرْمَرَةٍ وَيُعْطَى عِذَاءً لَطِيفًا. وَإِذَا شَرِبَ حَارًّا كَانَ أَجْلٌ وَأَقْوَى لِقُودًا وَأَمْسَى لِلْحَرَارَةِ الْغَرِيْبَةِ قَالَ وَالْمَرَادُ بِالْفُؤَادِ فِي الْعِيدِ رَأْسُ الْمَعْدَةِ لِأَنَّ فُؤَادَ الْحَرِينِ يَضَعُفُ بِاسْتِغْلَامِ النَّبَسِ عَلَى أَغْصَانِهِ وَعَلَى مَعْدَتِهِ خَاصَّةً لِتَقْلِيلِ الْغِذَاءِ وَالْعَسَاءِ يُرْطَبُهَا وَيُعْطِيهَا وَيَفْعَلُ مِثْلَ ذَلِكَ بِفُؤَادِ الْمَرِيضِ لَكِنَّ الْمَرِيضَ كَثِيرًا مَا يَجْتَمِعُ فِي مَعْدَتِهِ جِلْطٌ مَرَارِيٌّ أَوْ بَلْعَمِيٌّ أَوْ صَدِيدِيٌّ وَهَذَا الْعَسَاءُ يَجْلُو ذَلِكَ عَنِ الْمَعْدَةِ قَالَ وَسَمَاءُ الْبَيْضِ النَّاصِعِ لِلَّهِ الْمَرِيضِ يَخَالُفُ وَهُوَ نَاصِعٌ لَهُ قَالَ وَلَا فَنَاءَ تَلْقُوعٍ مِنَ الْعَسَاءِ لِأَنَّ يَخْلُبُ عَلَيْهِ فِي إِذْيَاهِ الشَّعِيرُ وَأَمَّا مَنْ يَغْلِبُ عَلَى إِذْيَاهِ الْجَنَظَةِ فَلَاكُلَ بِهِ فِي مَرَضِهِ عَسَاءَ الشَّعِيرِ وَقَالَ صَاحِبُ الْهَدْيِ الظَّاهِرَةِ أَكْفَعُ مِنَ الْعَسَاءِ لِأَنَّهَا فَطْنٌ مَطْهُوَةٌ تَهْفُزُ عَاصِمَةُ الشَّعِيرِ وَالطَّعْنَ وَهِيَ أَكْثَرُ تَغْذِيَةً وَأَقْوَى فَضْلًا وَأَكْثَرُ جَلَدًا وَإِنَّمَا اخْتَارَ الْأَطْيَاءُ النَّاصِعَ لِأَنَّهُ أَرَقُّ وَأَلْطَفُ فَلَا يَتَقَلَّبُ عَلَى طَبِيعَةِ الْمَرِيضِ وَيَتَنَبَّهُ أَنْ يَحْتَلِفَ الْإِسْتِغْلَامُ بِذَلِكَ بِحَسَبِ اخْتِلَافِ الْعَادَةِ فِي الْبِلَادِ وَلَعَلَّ الْأَدِيَّ بِالْمَرِيضِ مَلَأَ الشَّعِيرَ إِذَا طَبِخَ صَحِيحًا وَالْحَرِينِ إِذَا طَبِخَ مَطْهُوًّا لَمَّا قَدَّمَتْ الْهَضْرَةَ مِنَ الْفَرْقِ يَتَنَبَّهُ فِي الْعَاصِمَةِ وَاللَّهُ أَعْلَمُ

[فح الباري، كتاب الطب، باب الطبيعة للمريض، ج ١، ص ٦٦١، دار الحديث]

[عمدة القاري، كتاب الطب، باب الطبيعة، ج ١، ص ٨٤٤، المكتبة الوافية]

[تكملة فح الملهم، كتاب الطب، باب الطبيعة، ج ٥، ص ٩٠٢، دار القلم]

[قاموس الفقهاء، طب، ج ٢، ص ٨٢٥، دار إمام]

الطَّيْبُ: هُوَ الْجَسَاءُ الرَّقِيقُ الَّذِي هُوَ فِي قِيَامِ اللَّيْلِ وَبِهِ أَشْأَلُ اسْمُهُ، قَالَ الْهَرَوِيُّ: سُمِّيَتْ تَلْبِينَةً لِجَنَابَتِهَا بِاللَّيْلِ لِتَنَاقُصِهَا وَرَفِيقَتِهَا، وَهَذَا الْغِذَاءُ هُوَ النَّاصِعُ لِلْعَلِيلِ، وَهُوَ الرَّقِيقُ النَّصِيفُ لَا الْغَلِيطُ النَّبَسُ، وَإِذَا هُبْتُ أَنْ تَعْرِفَ فَضْلَ الظَّاهِرَةِ فَاعْرِفْ فَضْلَ مَاءِ الشَّعِيرِ، بَلْ هِيَ مَاءُ الشَّعِيرِ لَهَا، فَكَيْفَا جَسَاءٌ مُقَدَّدٌ مِنْ ذَيْقِ الشَّعِيرِ بِطَبِيعِهِ، وَالْفَرْقُ بَيْنَهُمَا أَنَّ مَاءَ الشَّعِيرِ أَنَّهُ يُطَبِّخُ صَخَاخًا وَالظَّاهِرَةُ تُطَبِّخُ مِنْهُ مَطْهُوًّا، وَهِيَ أَكْفَعُ مِنْهُ لِحُرُوجِ خَاشِئَةِ الشَّعِيرِ وَالطَّعْنَ، وَقَدْ قَدَّمَ أَلِ الْعَادَاتِ تَأْوِيلًا فِي الْإِسْتِغْلَامِ بِالْأَذْيَةِ وَالْأَذْيَةِ، وَكَانَتْ عَادَةُ الْقَوْمِ أَنْ يُشْمِلُوا مَاءَ الشَّعِيرِ مِنْهُ مَطْهُوًّا لَا صَخَاخًا، وَهُوَ أَكْثَرُ تَغْذِيَةً وَأَقْوَى فَضْلًا وَأَعْلَمُ جَلَدًا، وَلَمَّا قُدِّمَ الْغِذَاءُ الشَّدَنُ مِنْهُ صَخَاخًا لِيَكُونَ أَرَقُّ وَأَلْطَفُ، فَلَا يَتَقَلَّبُ عَلَى طَبِيعَةِ الْمَرِيضِ، وَهَذَا بِحَسَبِ طَبَائِعِ أَهْلِ الشَّدَنِ وَرَخَاوَتِهِ وَيَقْلُ مَاءَ الشَّعِيرِ الْمَطْهُوِّ عَلَيْهِمَا وَالْمَقْصُودُ: أَنَّ مَاءَ الشَّعِيرِ مَطْهُوًّا صَخَاخًا يَنْتَقِلُ سَرِيعًا، وَيَجْلُو جَلَدًا ظَاهِرًا وَيُعْطَى عِذَاءً لَطِيفًا. وَإِذَا شَرِبَ حَارًّا كَانَ جَلَدُهُ أَقْوَى، وَتَقْوِيَةُ الشَّرْعِ وَإِقْلَاؤُهُ لِلْحَرَارَةِ الْغَرِيْبَةِ أَكْثَرُ وَلَقَبِيصُهُ لِيُطَوِّحَ الْمَعْدَةَ أَوْفَقًا

وَقَوْلُهُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِيهَا: «مَعْدَةُ الْفُؤَادِ الْمَرِيضِ» (يُرْوَى بِوَجْهَيْنِ: يَفْتَحُ الْمِيعَ وَالْمِيعَ، وَيَضَعُ الْمِيعَ وَكَشَرَ الْمِيعَ، وَالْأَوَّلُ: الْقَهْرُ وَمَعْنَاهُ: أَنَّهَا مَرِيضَةٌ لَهُ، أَيْ ثَرِيحَةٌ وَسُكَّاتٌ مِنَ الْإِحْجَامِ، وَهُوَ الرِّجَاءُ، وَقَوْلُهُ: «تَذَهَبُ بِنَبْضِ الْغَزَنِ» هَذَا - وَاللَّهُ أَعْلَمُ - لِأَنَّ الْقَهْمَ وَالْغَزْنَ يُؤَيِّدَانِ الْمَرَاغَ، وَيَضَعِفَانِ الْحَرَارَةَ الْغَرِيْبَةَ لِتَبَيُّلِ الرُّوحِ الْحَامِلِ لَهَا إِلَى جِهَةِ الْقَلْبِ الَّذِي هُوَ مَتَشَوِّمٌ، وَهَذَا الْجَسَاءُ يُقْوِي الْحَرَارَةَ الْغَرِيْبَةَ بِرِيقَانِهِ فِي عَادَتِهِ، فَكَيْفَا أَكْثَرُ مَا غَرَضَ لَهُ مِنَ الْقَهْمِ وَالْغَزَنِ.

وَقَدْ يُقَالُ - وَهُوَ أَقْرَبُ - إِنَّهَا تَذَهَبُ بِنَبْضِ الْغَزَنِ بِخَاشِئَتِهَا فِيهَا مِنْ جِنْسِ خَوَاضِ الْأَذْيَةِ الْمَفْرُوعَةِ لِقَرْنٍ مِنَ الْأَذْيَةِ مَا يَفْرَعُ بِالْخَاشِئَةِ، وَاللَّهُ أَعْلَمُ

وَقَدْ يُقَالُ: إِنَّ لِقْوَى الْحَرِينِ تَضَعُفُ بِاسْتِغْلَامِ النَّبَسِ عَلَى أَغْصَانِهِ وَعَلَى مَعْدَتِهِ خَاصَّةً لِتَقْلِيلِ الْغِذَاءِ، وَهَذَا الْجَسَاءُ يُرْطَبُهَا وَيُعْطِيهَا وَيَفْعَلُ مِثْلَ ذَلِكَ بِفُؤَادِ الْمَرِيضِ، لَكِنَّ الْمَرِيضَ كَثِيرًا مَا يَجْتَمِعُ فِي مَعْدَتِهِ جِلْطٌ مَرَارِيٌّ أَوْ بَلْعَمِيٌّ أَوْ صَدِيدِيٌّ، وَهَذَا الْجَسَاءُ يَجْلُو ذَلِكَ عَنِ الْمَعْدَةِ وَيَسْرُوهُ وَيَخَذِرُهُ وَيَهَيِّجُهُ وَيَعْدِلُ كَثِيرَتَهُ وَيَتَغَيَّرُ سَوَاقَهُ، فَكَيْفَا هُوَ وَلَا يُمْكِنُ لِمَنْ عَادَتُهُ الْإِسْتِغْلَامُ بِمَاءِ الشَّعِيرِ، وَهِيَ عَادَةُ أَهْلِ الْعِيدِ إِذَا كَانَ، وَكَانَ هُوَ غَالِبَ قُوَّتِهِمْ، وَكَانَتْ الْجَنَظَةُ غَرِيْبَةً عِنْدَهُمْ، وَاللَّهُ أَعْلَمُ

[زاد المعاد، فصل في هديه صلى الله عليه وسلم في تغذية المريض، ج ٤، ص ١١١، موسسة الرسالة]

[3] صحيح البخاري (57/7)

عَدَّتَا يَتَغَيَّرُ بَيْنَ بَعْضِ عَدَّتَاتِ الْبَيْتِ، عَنْ عَقِيلٍ، عَنْ ابْنِ جِهَابٍ، عَنْ عُرْوَةَ عَنْ عَائِشَةَ رَوَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَنَّهَا كَانَتْ إِذَا مَاتَ لَبِثٌ مِنْ أَهْلِهَا، فَاجْتَمَعَ لِذَلِكَ الشَّعْرُ، ثُمَّ تَقَرَّرْنَ إِذَا أَهْلُهَا وَخَاشَتْهَا، أَمَرَتْ بِرَبِّهِ مِنْ تَلْبِينَةٍ فَطَبِخَتْهُ ثُمَّ ضَبَعُ رُبْدٌ فَضَبَّتِ الظَّاهِرَةَ عَلَيْهِا، ثُمَّ قَالَ: كُلْنَ مِنْهَا، فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «الظَّاهِرَةُ حُمُومَةُ الْفُؤَادِ الْمَرِيضِ، تَذَهَبُ بِنَبْضِ الْغَزَنِ»

صحيح مسلم (6371/4)

(6122) عَدَّتَا عَدَّتَا الْبَيْتِ بَيْنَ بَعْضِ عَدَّتَاتِ الْبَيْتِ بَيْنَ بَعْضِ عَدَّتَاتِ الْبَيْتِ، عَنْ عَقِيلٍ، عَنْ ابْنِ جِهَابٍ، عَنْ عُرْوَةَ عَنْ عَائِشَةَ رَوَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَنَّهَا كَانَتْ إِذَا مَاتَ الْمَيِّتُ مِنْ أَهْلِهَا فَاجْتَمَعَ لِذَلِكَ الشَّعْرُ، ثُمَّ تَقَرَّرْنَ إِذَا أَهْلُهَا وَخَاشَتْهَا أَمَرَتْ بِرَبِّهِ مِنْ تَلْبِينَةٍ فَطَبِخَتْهُ، ثُمَّ ضَبَعُ رُبْدٌ فَضَبَّتِ الظَّاهِرَةَ

عَلَيْهَا، لَمْ قَالَتْ: كُلُّنَّ مِنْهَا، فَلَيْ سَمِعَتْ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «الْأَلْبِينَةُ مُجَنَّةٌ لِمُرَادِ الْمَرِيضِ، فَذُهِبَ بَعْضُ الْخُزْنِ»

سنن ابن ماجه (0411 /2)

حَدَّثَنَا عَلِيُّ بْنُ أَبِي الْغَضَائِبِ قَالَ: حَدَّثَنَا وَكِيعٌ، عَنْ إِسْحَاقَ بْنِ تَمِيمٍ، عَنْ إِسْرَافِيلَ، عَنْ امْرَأَةٍ، مِنْ قُرَيْشٍ يُقَالُ لَهَا كَلْبُكُمُ، عَنْ عَائِشَةَ، قَالَتْ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «عَلَيْكُمْ وَالْبَغِيزُ الطَّاهِرُ الْأَلْبِينَةُ» يَعْنِي الْخَسَاءَ قَالَتْ: «وَكُنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا اغْتَسَى أَعْدَ مِنْ أَهْلِهِ، لَمْ تَزَلِ الْبَيْتَةُ عَلَى النَّارِ، حَتَّى يَنْتَهِي أَعْدَ طَرَفَيْهِ، يَعْنِي يَمْرَأً أَوْ مَيِّتاً»

[4] Ibid

T-SHIRTS WITH ISLAMIC SLOGANS

Q: I recently bought T-shirt's from the market because i was really impressed and that T-shirt's was the Islamic T-shirt's means that on the front of them there is some Islamic quotes written.so i want to know that are they permissible to wear or not. Kindly tell the conditions in which they r permissible or not to wear like are they allowed to wear in bathrooms and like that odd places.

Some quotes written on these t-shirts are:

- 1-ALLAH IS THE SOVEREIGN.
- 2-MUHAMMAD(PBUH) THE LAST GUIDE FOR HUMANITY.
- 3-FEAR ALLAH LOWER YOUR GAZE.
- 4-ISLAM MAKES ME HUMBLE.
- 5-ISLAM HAS COME TO DOMINATE. 5-KEEP SMILING ITS SUNNAH. 6-HUMANS GET AND FORGET ALLAH GIVES AND FORGIVES. Etc...

NOTE: Quotes are written in English not in Arabic or any other language.

A: In principle, anything with the name of Allah and His Messenger (salla Allahu ‘alaihi wa sallam) written on it deserves respect immaterial of which language it is written in.

From a practical point of view, a t-shirt bearing the name of Allah or His Messenger (sall Allahu ‘alaihi wa sallam) inadvertently will be disrespected. For example,

- When relieving one's self
- Throwing the shirt with other dirty clothes in the laundry basket
- Flinging the shirt to a side when going to sleep, etc.

ولو كتب على خاتمه اسمه أو اسم أبيه أو ما بدا له من أسماء الله تعالى نحو قوله: حسبنا الله ونعم الوكيل أو ربّي الله أو نعم القدير الله فإنه لا بأس به (فتاوى قاضي خان ج ٣ ص ٨٢٣، قديمي كتب خان)

فتاوى مضمودة ج ١ ص ٧٦٢-٧٧٢، فاروقية

سئل الفقيه أبو جعفر عمن كان في كمه كتاب فجلس يقول فيكره ذلك قال إذا أدخله مع نفسه الغلّة يكره وإن اختار لنفسه ميلا طاهرا في مكان طاهر لا يكره وعلى هذا إذا كان في جيبه دراهم مكتوب فيها اسم الله أو شيء من القرآن فأدخلها مع نفسه لم يخرج يكره وعلى هذا إذا كان عليه خاتم وعليه شيء من القرآن مكتوب أو كتب عليه اسم الله تعالى فدخل معه يكره ولو اتخذ لنفسه ميلا طاهرا في مكان طاهر لا يكره (التاتارخانية ج ٨١ ص ٧٦، مكتبة زكريا)
فتاوى حقانية ج ٢ ص ٦٦٦، جامعة دار العلوم حقانية
فتاوى مضمودة ج ٣ ص ٦٢٥، فاروقية
آب كي مسائل اور ان كا حل ج ٢ ص ٢٩٠، مكتبة لدهيانوي

DISPOSING LITERATURE WITH THE NAMES OF ALLAH

Q: I used to work in an Arab engineering office and we had many papers with the names such as Abd Allah and Abd ar Rahmaan. To dispose of them I would throw them in the bin without knowledge istaghfir Allah wa naudhu bi Allah. I have read online that it is mentioned in the fiqh books in the chapters of Ridha (leaving Islam)

to throw anything with the name of Allah in the bin.

I also read: That the person who makes a statement of kufr without knowledge that it is kufr, then there is a difference of opinion but the fatwa position is that he did not make ridda because he was jaahil (Ibn Abidin, Hashiya). So does this statement of Hadhrat Ibn Abidin Rahimahu Allah also count for actions like the action that I did before. I feel horrible. Also, I see so many people in the Ummah make this mistake of throwing in the bin names of people with a part which contains Allah, like abd Allah, so I can't imagine that all of them would be murtadd. What is the hukm of my action, did I leave Islam by it?

A: The name of Allah Ta'ālā deserves utmost respect. If there is a need to dispose of material having the name of Allah on it, it should be erased or wrapped in a cloth and buried or placed in flowing water; for example, in the sea or river. To dispose material containing the name of Allah in a bin is indeed disrespectful and sinful. In the enquired case, the practice does not constitute sin as it was not done as a form of humiliation. Make Tawba from your act and exercise caution in the future.

Nevertheless, one is not rendered a kāfir by disposing the names of Allah without any intention or form of degrading.

قال صاحب الدر: الكتب التي لا ينتفع بها يحسب عنها اسم الله وملائكته ورسوله ويحرق الباقي ولا بأس بأن تلقى في ماء جار كما هي أو تدفن وهو أحسن كما في الأنبياء

وفي رد المحتار: (قوله كما في الأنبياء) والدفن أحسن كما في الأنبياء والأولياء إذا ماتوا، وكذا جميع الكتب إذا بليت وخرجت عن الانتفاع بها، يعني أن الدفن ليس فيه إخلال بالتعظيم، لأن أفضل الناس يدفنون. وفي الذخيرة. المصحف إذا صار غلقاً وتعذر القراءة منه لا يحرق بالنار إليه أشار محمد وبه تأخذ، ولا يكره دفنه، وينبغي أن يلف بغرقة ظاهرة، ويحدد له لأنه لو شق ودفن يحتاج إلى إهمالة التراب عليه، وفي ذلك نوع تحقير إلا إذا جعل فوقه سقف وإن شاء غسله بالماء أو وضعه في موضع ظاهر لا تصل إليه يد محدث ولا غبار، ولا قدر تعظيماً لكلام الله عز وجل
[رد المحتار، كتاب المحظر والإباحة، فصل في البيع، ج ٦، ص ٢٢٤، سعيد]

ولا يجوز لف شيء في كائنه فيه فقه، وفي كتب الطب يجوز، ولو فيه اسم الله أو الرسول فيجوز محوه ليلف فيه شيء، ومحو بعض الكتلية بالريق يجوز، وقد ورد النهي في محو اسم الله بالبراق

[الدر المختار مع رد المحتار، كتاب الطهارة، سنن الغسل، ج ١، ص ٨٧١، سعيد]

ولا يجوز لف شيء في كاغذ فقه ونحوه وفي كتب الطب يجوز (قوله ونحوه) الذي في المنع ونحوه في الهندية، ولا يجوز في شيء في كاغذ فيه مكتوب من الفقه، وفي الكلام الأول أن لا يفعل وفي كتاب الطب يجوز، ولو كان فيه اسم الله تعالى أو اسم النبي - عليه الصلاة والسلام - يجوز محوه ليلف فيه شيء ومحو بعض الكتبية بالريق، وقد ورد النهي عن محو اسم الله تعالى بالبصاق، ولم يبين محو كتبة القرآن بالريق هل هو كاسم الله تعالى أو كغيره (رد المحتار، كتاب الحظر والباحة، فصل في البيع، ج ٦، ص ٦٨٣، سعيد)

[امداد الفتاوى، كتاب الحظر والباحة، ج ٤، ص ٥٥، مكتبة دار العلوم كراتشي]

[احسن الفتاوى، كتاب الحظر والباحة، ج ٨، ص ٣١، سعيد]

[غير الفتاوى، ما يتعلق بالقرآن، ج ١، ص ٦٤٢، مكتبة امدادية]

[تنبيه] في البحر والأصل أن من اعتقد الحرام خللا فإن كان حراما لغيره كمال الغير لا يكفر وإن كان لعينه فإن كان دليله قطعيا كفر، وإلا فلا وقيل التفصيل في العالم أما الجاهل فلا يفرق بين الحرام لعينه ولغيره وإما الفرق في حقه أن ما كان قطعيا كفر به وإلا فلا فيكفر إذا قال الخمر ليس بحرام وقامه فيه ... (قوله قال في البحر إلخ) سبب ذلك ما ذكره قبله بقوله وفي جامع الفصولين، روى الطحاوي عن أصحابنا لا يخرج الرجل من الإيمان إلا جحد ما أدخله فيه ثم ما يتقن أنه ردة يحكم بها وما يشك أنه ردة لا يحكم بها إذ الإسلام الثابت لا يزول بالشك مع أن الإسلام يعلو وينبغي للعالم إذا رفع إليه هذا أن لا يبادر بتكفير أهل الإسلام مع أنه يقتضي بصحة إسلام المكره... وفي الفتاوى الصغرى: الكفر شيء عظيم فلا يجعل للمؤمن كافرا متى وجدت رواية أنه لا يكفر اهـ وفي الخلاصة وغيرها: إذا كان في المسألة وجوه توجب التكفير ووجه واحد يمنع فعل المفتي أن يميل إلى الوجه الذي يمنع التكفير تحسينا للظن بالمسلم (رد المحتار، كتاب الجهاد، باب للرجل، ج ٤، ص ٣٣٢، سعيد)

CHARITY ORGANIZATION

Q: We have a charity registered organization run by a renowned Muslim doctor whom we have high regard for. He is collecting zakat donations. My understanding is that Zakat can only benefit Muslims. This organization like others has many projects including for example a medical Centre in Pakistan and other countries, providing hip replacements and other treatment. They utilize zakat funds mainly for the treatment of the poorly and also sometimes send help with foods and other items in places of natural disaster. My questions regarding giving zakat to this organization are:

1. Is it true that Zakat funds can only benefit Muslims?
2. If when we give to such an organization and highlight to them at the point of giving that these are Zakat funds and that they should benefit Muslims, is the giver absolved if the organization benefits others with these funds.

3. Do organizations have to identify a Muslim at the point of dispensing a service like medical or food as above with zakat funds?

A : Our hearts fill with happiness to see the good works your organization is providing to destitute Muslims across the globe. We are hopeful for the Infinite Mercy of Allâh that by answering the queries below in sequence, that accordingly we too will share in some of the great rewards that Allâh has in stall for those who have devoted their lives selfishly to works of charity.

1- In principle, Zakat is not a religious tax. It is rather an act of worship, and as such can only come to the benefit of Muslims. Neither can it be spend for the benefit of buildings, such as Masjid, hospitals and schools neither can it be given to pay towards service fees of Doctors etc. nor can it be given to non-Muslims . Any funds of Zakat spend on the needs of non-Muslims and/or buildings, no matter the pressing need of those inflicted, will not deemed to be fulfilled as a pure act of worship and will have to be discharged again.

2- If someone or an organisation is appointed as an agent on behalf of the principal to discharge Zakat, then in pure negligence he in turn dispensed it in an incorrect avenue then such Zakat will not be deemed fulfilled. In the case that the principal exhausted all reasonable means to procure a competent agent to discharge his Zakat, then in the case of negligence the principal will not be sinful for the Zakat having failed to be discharged as a pure act of worship.

The sin will rather rest with the agent due to his negligence in this regard. Since the Zakat has not been fulfilled, the onus therefore will rest with the agent to inform the principal of his act of negligence so that the principal can discharge his Zakat once again, but this time correctly. In the inquired case, it is very important to realize that or-

ganisations due to the overwhelming responsibilities that they have to attend to against all odds cannot realistically speaking guarantee spending Zakat in it's correct avenues UNLESS they are closely guided by high calibre 'Ulema and run by a very efficient management. To give you an idea of the intricacies involved, in this day and age, even Madaaris are guilty of mismanagement of Zakat funds.

3- A predominant thought is sufficient to regard the person as a Muslim if it is based on a concrete fact, such as a Muslim name, 90% of the people in the area are Muslim, the person dons a Sunnah beard, topi or the person when asked if he is Muslim replies in the affirmative.

(iruduQ (ص: 32)

ولا يجوز أن يدفع الزكاة إلى ذمي

ولا يبنى بها مسجد ولا يكتن بها ميت ولا يشتري بها رقبة تعتق ولا تدفع إلى غني

بداية للبفتدي (ص: 83)

قال أبو حنيفة ومحمد رحمهما الله إذا دفع الزكاة إلى رجل يظنه فقيراً ثم بان أنه غني أو هاشمي أو كافر أو دفع في ظلمة فبان أنه أبوه أو ابنه فلا إعادة عليه وقال أبو يوسف عليه إعادة ولو دفع إلى شخص ثم علم أنه عبده أو مكاتبه لا يجزئه

الأصل المعروف بالميسوط 981 (4 / 3)

فأما إذا أعطى رجلاً يرى أنه فقير ولم يسأله ولم يأت من أمره أمر يدل على أنه فقير فظن أنه فقير فأعطاه أو أعطاه على غير ظن حضره ثم ظن بعد العطية أنه فقير ثم علم بعد ذلك أنه غني لم يجزه ما أعطاه لأنه أعطاه على غير مسألة ولا دلالة

الأصل المعروف بالميسوط 981 (5 / 3)

كان الرجل سألته وأخبره أنه محتاج فأعطاه ثم علم بعد ذلك أنه غني فإن أبا حنيفة قال في ذلك يجزيه زكاته وكذلك قول محمد وأما في قول أبي يوسف فلا يجزيه إذا علم أنه غني وقال هو بمنزلة رجل توفى بماء غير طاهر ثم صلى وهو لا يعلم فهو يجزيه ما لم يعلم فإذا علم أعاد الوضوء وأعاد الصلاة وقال محمد لا تشبه الصلاة الصدقة لأن هذا لا تعد صلاته لأنه صلى على غير وضوء والمتصدق صدقة جائزة عليه ألا ترى أنه لو أراد أن يأخذها من الذي أعطاه إياه لم يكن له ذلك في الحكم لأنها صدقة نافذة جائزة لا رجوع فيها ولو كان له أن يأخذها من المتصدق عليه لأنها ليست بصدقة كان هذا قياس الصلاة بغير وضوء لأن الصلاة بغير وضوء ليست بصلاة فينبغي أن تكون هذه ليست بصدقة وينبغي لصاحبها أن يأخذها من المتصدق عليه فإذا كان لا يقدر على أخذها منه كانت صدقة تامة فكيف يعرّفها صاحبها مرتين ولم يكن على صاحبها أكثر من الذي صنع وقد وافقنا أبو يوسف أن الصدقة لا ترد على صاحبها ولكنها نافذة للمتصدق

CONDITIONS FOR TRUE DREAMS

Q: What are the conditions for a dream to be considered true?

A: The science of interpreting dreams is a rather difficult and intricate field that requires one to have in depth knowledge of the different sciences of Dīn. Generally, dreams do not materialise in reality as exactly seen in one's sleep. They tend to hold a hidden meaning which needs correct interpretation in light of the Qur'ān and Hadīth. This is why it is not everybody's job to interpret dreams. The mere knowledge of the different factors that indicate towards the truth of a dream is not sufficient for one to interpret a dream. Hereunder are a few conditions that one should fulfil before attempting interpretation of dreams:

- Should be knowledgeable regarding the Qur'ān and Hadīth.
- Should have an insight in the linguistics of the Arabic language.
- Should understand the conditions and temperaments of the people seeking an interpretation.
- Should be knowledgeable regarding the principles of interpreting dreams.
- Should be spiritually upright and have good character.
- Should be truthful.
- May need to take into consideration the present conditions.

Further, not all dreams hold a message and thus cannot be interpreted. Rasullāh Sallallāhu 'Alayhi Wa Sallam said: "Dreams are of three types: 1) Good visions are glad tidings from Allah, 2) A terrifying vision caused by the devil, 3) Visions of a person's thoughts." It is only the first category of dreams that are meaningful.

The rest are merely visions that revolve around what a man thinks during the day or are frightening dreams infused by Shay'tān in the subconscious mind of a person. Such dreams are meaningless.

As far as interpreting the dreams is concerned, there are no stipulated conditions for ascertaining the truth of a dream. Rather, there are a number of signs and factors that indicate towards a dream being true. However, the truth and falsehood of dreams cannot be decisively stated from merely looking at these signs and factors. It may happen such that despite the signs and factors being present, the interpretation of the dream may not materialise in real life.

Some of these signs are:

- A number of people see the same dream.
- The same dream is seen repeatedly by the same person.
- The dreams seen in the later portion of the night.
- Dreams seen in times closer to Qiyāmah, when men of knowledge will be scarce.
- Dreams seen at such a time of the year when the length of the day and night are equal i.e. in spring and autumn (March and September).
- Dreams seen by a truthful person.

تعبير الرؤيا لابن سيرين مع الترجمة بالأردية، ص 5 [مدينة ببلشغ كمبني]
اعلم وفقني الله وإياك إلى طاعته أن الرؤيا لما كانت جزءاً من النبوة لزم أن يكون المعبر عالماً بكتاب الله تعالى، حافظاً لحديث رسول الله صلى الله عليه وسلم وعلى آله، خبيراً بلسان العرب ولبثقاق الألفاظ، عارفاً بعيثات الناس، ضابطاً لأصول التعبير، عفيف النفس، طاهر الأخلاق، صادق اللسان، ليقفقه الله بما فيه الصواب ويهديه لمعرفة معارف أولي الأكباب فإن الرؤيا قد تعبر باختلاف أحوال الأزمنة والأوقات...

صحيح مسلم (142/1) [قديمي]
(3622) حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عُمَرَ النَّخَعِيُّ، حَدَّثَنَا عَبْدُ الرَّهْمَنِ بْنُ الْقَافِي، عَنْ الْيُوسُفِ بْنِ الشَّحْنَانِيِّ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ، عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: "إِذَا اقْتَرَبَ الزَّمَانُ لَمْ تَكُنْ رُؤْيَا الْمُسْلِمِ تَكْذِبُ، وَأَصْدَقُكُمْ رُؤْيَا أَصْدَقُكُمْ حَدِيثًا، وَرُؤْيَا الْمُسْلِمِ جُرْئُهُ مِنْ خُمْسٍ وَأَرْبَعِينَ جُرْئًا مِنْ النَّبِيِّ، وَالرُّؤْيَا ثَلَاثُ: قُرُوبًا صَالِحَةً بُشِّرَى مِنَ اللَّهِ، وَرُؤْيَا نَحْرِيٍّ مِنَ الشَّيْطَانِ، وَرُؤْيَا مِمَّا يُحَدِّثُ النَّفْسَ نَفْسَهُ، فَلَنْ رَأَى أَحَدُكُمْ مَا يَكْرَهُ فَلْيَتَشَمَّ فَلْيَتَشَمَّ وَلَا يُحَدِّثْ بِهَا النَّاسَ " قَالَ: «وَأَجِبَ الْقَيْدَ وَأَكْرَمَ الْعَمَلِ وَالْقَيْدُ ثَبَاتٌ فِي النَّبِيِّ» فَلَا أَدْرِي هُوَ فِي الْحَدِيثِ أَمْ قَالَهُ ابْنُ سِيرِينَ "

Jawāhir al-Fiqh, Vol 2, Pg 171 (Maktabah Dar al-'Ulūm Karachi)

سنن الترمذي (352/2) [أبو أيوب سعيد]
4722 - حدثنا قتيبة حدثنا ابن لبيبة عن دراج عن أبي الهيثم عن أبي سعيد: عن النبي صلى الله عليه وسلم أصدق رؤيا بالأسفار

فيض الباري على صحيح البخاري (644 /6)
قوله: (إذا اقترَبَ الزَّمانُ لم تَكُذِّبْ رُؤْيَا الْمُؤْمِنِ ...) أي إذا اقترَبَت الساعة ... إلخ، وذلك لأنَّ المطلوب الآن إخفاء الغيبات، ثُمَّ تَعَقُّبُ المَشْيَةِ بِمَقْصِدِهَا عند إِبْرائِ
السَّاعَةِ، وكذلك اللَّهُ يَفْعَلُ ما يَشَاءُ، وَيَحْكُمُ ما يُرِيدُ.

معالم السنن (931 /4) [للمطبعة العلمية - حلب]
قال أبو داود: حدثنا قتيبة بن سعيد حدثنا عبد الوهاب عن أيوب عن محمد، عن أبي هريرة عن النبي صلى الله عليه وسلم قال: إذا اقترَبَ الزَّمانُ لم تَكُذِّبْ رُؤْيَا الْمُؤْمِنِ
تَكْذِبَ فَاَصْدَقَهُمْ رُؤْيَا أَصْدَقَهُمْ حَدِيثًا
قال الشيخ: في اقتراب الزمان قولان أحدهما أنه قرب زمان الساعة وجنوها
والقول الآخر أن معنى اقتراب الزمان اعتداله واستواء الليل والنهار والمعبرون يزعمون أن أصدق الرؤيا ما كان في أيام الربيع ووقت اعتدال الليل والنهار.

شرح صحيح البخاري لكون بطل (735 /9) [مكتبة الرشيد]
وقوله عليه السلام: (إذا اقترَبَ الزَّمانُ لم تَكُذِّبْ رُؤْيَا الْمُؤْمِنِ)، فمعناه - والله أعلم - إذا اقترَبَت الساعة وقبض أكثر العلم ودرست معالم الديلة بالهرج والفتنة،
فكان الناس على فقرة من الرسل يحتاجون إلى مذكر ومعيد لما درس من الدين كما كانت الأمم قبلنا تذكر بالنبوة، فلما كان نبينا محمد عليه السلام خاتم الرسل وما
بعده من الزمان ما يشبه الفترة عوضوا مما منع من النبوة بعده بالرؤيا الصادقة التي هي جزء من سنة وأربعين جزءًا من النبوة الآتية بالتبشير والإنذار. وقد ذكر
أبو سليمان الخطابي في غريب الحديث عن أبي داود السجستاني أنه كان يقول في تأويل قوله عليه السلام: (إذا اقترَبَ الزَّمانُ لم تَكُذِّبْ رُؤْيَا الْمُؤْمِنِ تَكْذِبَ). قال: تقارب
الزَّمان هو استواء الليل والنهار قال والمعبرون يزعمون أن أصدق الأزمان لوقوع التعبير وقت انبثاق الأنوار ووقت بيع الثمار وإدراكها وهما الوقتان اللذان يتقارب
الزَّمان فيهما ويعتدل الليل والنهار. قال المؤلف: والتأويل الأول هو الصواب الذي أراه النبي عليه السلام لأنه قد روي مرفوعًا عنه روى معمر، عن أيوب، عن ابن
سرين، عن أبي هريرة عن النبي عليه السلام أنه قال: (في آخر الزَّمان لا تَكُذِّبْ رُؤْيَا الْمُؤْمِنِ وَأَصْدَقَهُمْ رُؤْيَا أَصْدَقَهُمْ حَدِيثًا). قال المؤلف: وأما قول ابن سيرين: وأنا
أقول هذه الأمة، فتأويله والله أعلم أنه لا كان عنده معنى قوله عليه السلام: (رُؤْيَا الْمُؤْمِنِ جزء من سنة وأربعين جزءًا من النبوة). ويراد به رؤيا الرجل الصالح لقوله
عليه السلام: (الرؤيا الحصنة يراها الرجل الصالح جزء من سنة وأربعين جزءًا من النبوة). قال: (إذا اقترَبَ الزَّمانُ لم تَكُذِّبْ رُؤْيَا الْمُؤْمِنِ) غشي ابن سيرين أن يتأول
معناه أن عند تقارب الزَّمان لا تصدق إلا رؤيا الصالح المستكمل للإيمان خاصة، فقال: وأنا أقول هذه الأمة. يعني تصدق رؤيا هذه الأمة كلها صالحها وفاجرها ليكون
صدق رؤياهم زاجرة لهم وحجة عليهم؛ لدروس أعلام الدين وطموس آثاره يموت العلماء وظهور المنكر، والله أعلم.

شرح النووي على مسلم (142 /1) [قديمي]
(إذا اقترَبَ الزَّمانُ لم تَكُذِّبْ رُؤْيَا الْمُؤْمِنِ تَكْذِبَ) قال الخطابي وغيره قيل المراد إذا اقترَبَ الزَّمانُ إذا قَرَبَتِ الْقِيَامَةُ وَالْأَوَّلُ أَشْهُرُ عِنْدَ
أَهْلِ غَيْرِ الرُّؤْيَا وَعَلَهُ فِي حَدِيثِ مَا يُؤْتَى الْهَالِكُ وَاللَّهُ أَعْلَمُ بِقَوْلِهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ (وَأَصْدَقُكُمْ رُؤْيَا أَصْدَقُكُمْ حَدِيثًا) ظاهرياً أنه على إطلاقه وَعَنِ الْقَاضِي عَزَّ يَحْضُرُ
الْعُلَمَاءُ أَنَّ هَذَا يَكُونُ فِي آخِرِ الزَّمانِ عِنْدَ انْقِطَاعِ الْحَيَاةِ وَمَوْتِ الْعُلَمَاءِ وَالصَّالِحِينَ وَمَنْ يَسْتَعْدُّ بِقَوْلِهِ وَعَلَيْهِ فَبَعْلَةُ اللَّهِ تَعَالَى عِلْمًا وَعَوْضًا وَمَعْنَاهُ لَهُمْ وَالْأَوَّلُ أَشْهُرُ لِأَنَّ
غَيْرَ الصَّالِحِينَ فِي حَدِيثِهِ يَتَطَرَّقُ الْفَلَكُ إِلَى رُؤْيَا وَجْهَاتِهِ إِثَامًا

صحيح مسلم (142 /1) [قديمي]
(3622) حَدَّثَنَا مُسَدَّدُ بْنُ أَبِي عُمَرَ الشَّيْخِيُّ حَدَّثَنَا عَبْدُ الْوَهَّابِ الْقُفَيْيُّ، عَنْ أَيُّوبَ السُّخَيْتِي، عَنْ مُعَمَّدِ بْنِ بَيْرِينَ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:
" إِنْ اقْتَرَبَ الزَّمَانُ لَمْ تَكُذِّبْ رُؤْيَا الْمُسْلِمِ تَكْذِبَ، وَأَصْدَقُكُمْ رُؤْيَا أَصْدَقُكُمْ حَدِيثًا، وَرُؤْيَا الْمُسْلِمِ حُجَّةٌ مِنْ خَمْسٍ وَأَرْبَعِينَ حُجَّةً مِنَ النَّبِيِّ، وَالرُّؤْيَا ثَلَاثَةٌ: رُؤْيَا الصَّالِمَةِ
يُخْتَرَى مِنَ اللَّهِ، وَرُؤْيَا مُخْتَرَيْنِ مِنَ الشَّيْطَانِ وَرُؤْيَا مِمَّا يَحْدُثُ الْمَرءُ نَفْسَهُ، فَإِنْ رَأَى أَحَدُكُمْ مَا يَكُونُ قَلْبُهُمْ قَلْبُهُ، وَلَا يَحْدُثُ بِهَا الشَّيْءُ " . قَالَ: " مَا وَجِبَ الْقَيْدُ وَأَكْرَهَ الْفَلَّ
وَالْقَيْدُ ثَبَاتٌ فِي الدِّينِ " فَلَا أَذْرِي هُوَ فِي الْحَدِيثِ أَمْ قَالَهُ ابْنُ بَيْرِينَ "

WEATHER FORECASTING

Q: Does weather forecasting come under the heading of astrology or claiming to know the unseen? There are some weather sites on the internet which forecast the weather that is expected in the next 5-10 days. Is it permissible for me to visit them? I am asking this question because I am afraid that they may be claiming to have knowledge of the unseen or it may be a kind of astrology, in which case it is haraam for me to visit them.

A: Weather forecasting does not fall under the category of claiming knowledge of the ghayb because:

1. It is based on signs and empirical evidence, while true knowledge of ghayb is not gained via any means.
2. It is conjectural and speculative, while knowledge of ghayb is certain and definitive.

One may follow the weather forecasts if he believes the signs for the weather conditions – like clouds gathering, wind direction etc. – are mere means and not the true cause as used to be believed in the time of Jāhiliyyah.

وأعلم أن للناس في مسألة الغيب كلمات غير متقنة والتحقيق أن الغيب ما غاب عن الحواس والعلم الضروري والعلم الإستدلالي وقد نطق القرآن بنفي علمه عمن سواه تعالى فمن ادعى أنه يعلمه كفر ومن صدق للمدعي كفر وأما ما علم بحاسة أو ضرورة أو دليل فليس بغيب ولا كفر في دعواه ولا في تصديقه على الجزم في اليقيني والظن في الظني عند المحققين.

وهذا التحقيق اندفع الإشكال في الأمور التي يزعم أنها من الغيب وليست منه لكونها مدركة بالسمع أو البصر أو الضرورة أو الدليل فأحدها إخبار الأنبياء لأنها مستفادة من الوحي ومن خلق العلم الضروري فيهم أو من انكشاف الكوائن على حواسهم ثانيها غير الولي لأنه مستفاد من النبي أو من رؤيا صالحة أو من إلهام إلهي أو من النظر في اللوح المحفوظ وهو ثابت من أهل الكشف وإن منعه بعض الفقهاء ثالثها إخبار المحاسب بالكسوف والخسوف لأنه بدلائل هندسية قطعية

رابعها إخبار المنجم والرمال لأن النجوم والرمال علمان استدلاليان منزلان على بعض الأنبياء ثم اندرسا وغلط الناس فيهما فمن استدل بقاعدة نبوية أصاب في الخبر خامسها غير الكاهن لأنه مما يخبره الجن عن مشاهدة أو سماع من الملائكة الذين عرفوا الكوائن للمستقبل بالوحي تم نقول قد نطق كثير من الأحاديث وأقوال السلف بكفر المنجم والكاهن ومن يصدقهما وذكر غير واحد من المحققين أن التكفير خاص بمن يدعي علم الغيب أو يزعم

النجوم مدبرة بالاستقلال أو يزعم الجن عالمة بالغيب قلت: ومع هذا ليس الاعتقاد بالنجوم والكهانة وتعدد بقعهما من فعل الصالحين ولا شك أن فيهما إخلالا بعتقاد ضعفاء المسلمين لزعمهم أن المخبر عالم بالغيب على أن الكاهن يصعب أن يسلم إيمانه لاستمداده من الشياطين فاحفظ هذا التحقيق فإنه من خواص مؤلفاتنا (البراس شرح شرح العقائد، مكتبة حقاينة، ص ٤٠٣٤٣) وأما ظن الغيب فلم يتعرض في من الشرع لنفيه ولا لإثباته فقد يجوز أن يظن لمنجم أو صاحب غط الرمل أو نحو هذا شيئا مما يقع في المستقبل فيقع على ما ظنه، فكون ذلك ظنا صادقا إذا كان عن موجب عادي يقتضي ذلك الظن وليس بعلم... ثم اعلم أن أخذ الأجرة والجعل على ادعاء علم الغيب أو ظنه لا يجوز بالإجماع على ما حكاه أبو عمر بن عبد البر (المفهم، ج ١ ص ٦٥١)

فمن ادعى علم بعض العوالم الغائبة بوجي من أهله أو يكشف من ذوى الكرامات فهو صادق ودعواه جائزة لأن ما اختص به تعالى هو الغيب المطلق على أن ما يدعيه العبد ليس غيبا حقيقة لأنه إما يكون بإعلام من الله تعالى كما مر وكذا لو ادعاه أحد من أجداد الناس مستندا في ذلك إلى أمارة نصيبها تعالى على ذلك، فقد قال الإمام المرحوم أبي صاحب الهداية في كتابه مختارات النوازل: أما علم النجوم فهو في نفسه حسن غير مذموم إذ هو قسمان: حسبي وإنه حق وقد نطق به الكتاب، قال تعالى: والشمس والقمر بحسبان أي سريرهما بحسابه واستدلالي يسير النجوم وحركة الأفلاك على العوالم يقضاه الله تعالى وقدره وهو جائز كأستدلال الطبيب بالنفض على الصحة والمرض، ولو لم يعتقد يقضاه الله تعالى أو ادعى علم الغيب لنفسه يكفر، ثم تعلم علم النجوم مقدار ما يعرف به مواقيت الصلاة والقبلة لا بأس به انتهى، ومفهومه أن تعلم الزائد على ذلك مما يستدل به على العوالم فيه بأس لأنه مكروه لما فيه من إيقاع العامة في الشك لعدم علمهم بأنه إما علم ذلك بسبب عادة نصبه الله تعالى لذلك أو لما فيه من خوف الوقوع في اعتقاد تأثير النجوم في تلك العوالم أو لما فيه من إظهار ما أحب الله عقابه فإنه لو أحب إظهاره لنصب عليه علامة ظاهرة كما في الأمور التي جعل الله تعالى لها أسبابا ظاهرة يعلمها عامة الناس فلم يخف الله تعالى ما أعفاه منها إلا لحكم بآهله بالتحقق إلى إظهاره والإطلاع عليه إخلال بملك الحكم... فإن خلا من هذين فلا كفر بل ولا إثم إن قال علمت ذلك بواسطة القرينة والعادة الإلهية أو نحو ذلك انتهى (رسائل ابن عابدين، ج ٢ ص ٤١٣-٥٠)

قال في كتابه الزواجر: المنهي عنه من علم النجوم هو ما يدعيه أهلها من معرفة العوالم الآتية في مستقبل الزمان كمجيئ المطر ووقوع الطلح وهبوب الريح وتغير الأسفار ونحو ذلك يزعمون أنهم يدركون ذلك بسر الكواكب... فأما من قال أن الإقتران والإقتران هو كذا جعله الله تعالى علامة محتمض ما اطردت به العادة الإلهية على وقوع كذا وقد يتخلف فإنه لا إثم عليه بذلك (المصدر السابق)

اتضح لك مما قررناه من جواز الإطلاع على بعض الأمور الغيبية بمعجزة أو كرامة أو أمارة وعلامة عادية بتقدير الله تعالى، أما لو ادعى ذلك من نفسه استقلالا أو بطريق إخبار الجن له ذلك زاعما علمهم الغيب أو بطريق الإستناد إلى تأثير الكواكب فهو كافر، وأما إذا أطلق وقال سيقع في اليوم الفلاني كذا وكذا فينبغي النظر في حال القائل (المصدر السابق، ج ٢ ص ٦١٤)

قال رسول الله صلى الله عليه وسلم: أصبح من عبادي مؤمن بي وكافر، فأما من قام مطرنا يفضل الله ورحمته، فذلك مؤمن بي وكافر بالكوكب، وأما من قال: مطرنا بنوء كذا وكذا، فذلك كافر بي ومؤمن بالكوكب (متفق عليه)

قال الإمام أبو العباس القرطبي في شرحه: ظاهره أنه الكفر الحقيقي لأنه قابل به للمؤمن الحقيقي، فيحمل على من اعتقد أن المطر من فعل الكواكب وخلقا لا من فعل الله تعالى، كما يعتقد بعض جهال المنجمين والطبايع والعرب، فأما من اعتقد أن الله تعالى هو الذي خلق المطر واخترعه ثم تكلم بذلك القول فليس بكافر ولكنه مغضن من وجهين: أحدهما أنه خالف الشرع فإنه قد حذر من ذلك

WHY CAN'T WE GO TO JANNAH FOR FREE?

Q: Why do we have to go through hardships to get to jannah?
Why is it not free? ALLAH is not in need so what is the reason for hardships?

A: Before answering your question, it is important to understand that as simple creations of Allāh the Almighty, we are unable to truly encompass divine truths and wisdoms behind the creation of

the universe. We are only imparted the knowledge that is transmitted to us from His beloved messengers (‘alayhimus salām).

Before the birth of humankind and Ādam (‘alayhis salām) as their father, a discourse took place between Allāh the Almighty and His angels:

وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً قَالُوا أَتَجْعَلُ فِيهَا مَنْ يُفْسِدُ فِيهَا وَيَسْفِكُ الدِّمَاءَ وَنَحْنُ نُسَبِّحُ بِحَمْدِكَ وَنُقَدِّسُ لَكَ قَالَ إِنِّي أَعْلَمُ مَا لَا تَعْلَمُونَ

(Remember) when your lord said to the angels, “I am about to place a deputy on Earth.” The angels said, “Will you place on Earth someone who will cause corruption there and spill blood, whereas we glorify Your praises and proclaim Your purity?” Allāh said, “Indeed, I know that which you do not know.”

As one of the earliest creations of Allāh Ta‘ālā, the angels were created for the sole purpose of worshipping Allāh Ta‘ālā whilst residing in the upper realms within the heavens. It was Allāh the Almighty’s plan to bring another creation that had the capacity to surpass even the rank of the angels. While angels were created with the attribute of pure servitude to Allāh the Almighty, mankind was created with the attribute of freewill. Man was sent in a world where he would be tried and tested so that he can use this freewill and voluntarily turn towards Allāh the Almighty knowing that he has the ability to disobey Him. It is this inherent quality known as taklif that potentially propels him past the level of angels and marks him as ashraf al-makhluqāt (the most noble of all creations).

Put more simply, the ability to endure hardships in this world and take on life as a test from Allāh Ta‘ālā is a distinguishing quality of mankind that makes them special in the eyes of Allāh Ta‘ālā. Giving us a free ticket to jannah without any test would defeat the purpose of our creation. If such were the case, we would have never been

brought into creation as the angels already exist as a creation given “a free ticket into jannah.” Furthermore, allowing full entrance into jannah to any and all without distinguishing the evil ones from the good is against the divine attribute of `adal (justice). Is it fair that one who commits murder and spends his life as a thief is given the same treatment as the one who exercised self control and lived an honest life without infringing on the rights of others? Is it fair that those who disbelieve and commit evil deeds are granted entrance into paradise for doing absolutely nothing to earn it? Allāh Ta`ālā says in the Holy Qur`ān:

أَحْسِبِ النَّاسُ أَنْ يُتْرَكُوا أَنْ يَقُولُوا آمَنَّا وَهُمْ لَا يُفْتَنُونَ، وَلَقَدْ فَتَنَّا الَّذِينَ مِنْ قَبْلِهِمْ فَلَيَعْلَمَنَّ اللَّهُ الَّذِينَ صَدَقُوا وَلَيَعْلَمَنَّ الْكَاذِبِينَ، أَمْ حَسِبَ الَّذِينَ يَعْمَلُونَ السَّيِّئَاتِ أَنْ يَسْبِقُونَا سَاءَ مَا يَحْكُمُونَ، مَنْ كَانَ يَرْجُوا لِقَاءَ اللَّهِ فَإِنْ أَجَلَ اللَّهُ لَاقِيَهُ وَهُوَ السَّمِيعُ الْعَلِيمُ، وَمَنْ جَاهَدَ فَإِنَّمَا يُجَاهِدُ لِنَفْسِهِ إِنَّ اللَّهَ لَغَنِيٌّ عَنِ الْعَالَمِينَ

Do people think that they will be left to say, “We believe” without being tested? We certainly tested those before them, and Allāh will definitely know those who are true and He will definitely know those who are liars. Do those who do evil think that they can escape Us? Evil indeed is the decision they take. Whoever yearns to meet Allāh the term of Allāh will certainly arrive. And He is the All Hearing, the All Knowing. Whoever strives, strives only for himself (i.e. his own benefit), Allāh is independent of the entire universe.

It should be clear from above that the divine plan for creation serves only to benefit us and does not benefit Allāh in the least. He is free from having such a need as He is independent and self-sufficient. We should be grateful to Allāh Ta`ālā for granting us an opportunity to struggle in this world so that we can attain his proximity in the hereafter.

فَمَنْ يَرِدِ اللَّهُ أَنْ يَهْدِيَهُ يَشْرَحْ صَدْرَهُ لِلْإِسْلَامِ وَمَنْ يَرِدْ أَنْ يَضِلَّهُ يَجْعَلْ صَدْرَهُ ضَيِّقًا حَرَجًا كَأَنَّمَا يَصْعَدُ فِي السَّمَاءِ كَذَلِكَ يَجْعَلُ اللَّهُ الرِّجْسَ عَلَى الَّذِينَ لَا يُؤْمِنُونَ، وَهَذَا صِرَاطُ رَبِّكَ مُسْتَقِيمًا قَدْ فَصَّلْنَا الْآيَاتِ لِقَوْمٍ يَذَكَّرُونَ، لَهُمْ دَارُ السَّلَامِ عِنْدَ رَبِّهِمْ وَهُوَ وَلِيُّهُمْ بِمَا كَانُوا يَعْمَلُونَ

Whoever Allāh wishes to guide, He expands his bosom for Islam. Whoever He desires to send astray, He narrows and constricts his bosom as if he is (a person who is) climbing into the sky (having great difficulty breathing because of a lack of oxygen). Allāh places impurity (i.e. His punishment or curse) on those who do not have Imān. This is the straight path of your lord. We have certainly clarified the āyāt (verses or signs) for those who will pay attention to the advice. Theirs shall be an abode of peace by their lord (in Jannah) and He is their Protector because of the (good) works that they carried out (in the world).

Al-Qur'ān, 2:30

(وأفضل) جميع (الخلق) أي المخلوقات (علي الإطلاق) المراد منه العموم الشامل للعالمية والسفلية من البشر والجن والملاك في الدنيا والآخرة.. (نبينا) محمد صلي الله عليه وسلم.. (والأنبياء) عليهم الصلاة والسلام.. (يلونه) أي يتبعون نبينا محمد صلي الله عليه وسلم (في الفضل) فمرتبتهم بعد مرتبه. (ويعدهم ملائكة ذو الفضل) فمرتبتهم تلي مرتبة الأنبياء عليهم السلام في الجملة، فالملائكة أفضل من غير الأنبياء من البشر ولو كان وليا كأي بكر و عمر رضي الله عنهما. وأبو عبد الله الحلبي في آخرين كالمعتزلة إلى أن للملائكة أفضل من الأنبياء.... قوله (الملائكة أفضل) قيل: لجردهم عن الشهوات رد بأن وجودها مع قمعها أتم من باب أفضل العبادة أحمرها بقاء مهيمة فزاي أي أشقى ألا تدري أن الأقسام ثلاثة: شهوة مضطربة وهو البهائم، وعقل محض وهو الملائكة، والإنسان مركب منهما فكما أن غلبة الشهوة تنزله عن البهائم لعجزها بالعدم. كذلك غلبة العقل ترفعه عن الملائكة. قال السعد: ولا قاطع في هذه المقامات.

(إتحاف المرید شرح جوهرة التوحيد مع حاشية ابن الأمير، ص ١٢٢-٥٢٢، دار الكتب العلمية)

Al-Qur'ān, 29:2-6

Al-Qur'ān, 6:125-127

CONTAGIOUSNESS

Q: Some medical researchers say that many of the modern day diseases are due to over usage of pesticides in agriculture, pharmaceutical medicine, water contamination ...etc. As a Muslim we believe that sickness and cure is from Allah. Is it wrong to attribute a disease or illness to above mentioned things? Please advice what should be the right approach in this regard. If I say that nothing will harm me unless it is from Allah and just eat/drink whatever I want. Is it right?

A: In order to answer your query, one must understand and differentiate between the concept of contagiousness of a disease and taking preventive measures in face of clear harm.

Contagiousness:

In regard to the first, the Messenger of Allāh (sallallahu alayhi wasallam) said:

«لَا عَذْوَى وَلَا طَيْرَةٌ، وَلَا هَامَةٌ وَلَا صَفَرٌ، وَفِرُّ مِنَ الْمَجْذُومِ كَمَا تَفِرُّ مِنَ الْأَسَدِ»

(There is) no `adwā (no contagious disease is conveyed without Allāh's permission). Nor is there any bad omen, nor is there any Hāmah (superstition regarding an owl), nor is there any (bad omen in the month of) Safar, and one should run away from the leper as one runs away from a lion.

It is also reported on the authority of Jābir (radiyallāhu `anh):

أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَخَذَ يَدَ مَجْذُومٍ فَوَضَعَهَا مَعَهُ فِي الْقُضْعَةِ، وَقَالَ: «كُلْ ثِقَةً بِاللَّهِ وَتَوَكَّلًا عَلَيْهِ»

The Messenger of Allah (sallallahu alayhi wasallam) took a man who was suffering from leprosy by the hand; he then put it along with his own hand in the dish and said: "Eat with confidence in Allāh and trust in Him."

The lesson that we learn from these ahādīth is that the overall rule is that no disease spreads except by the will of Allāh Ta`ālā. However, due to the delicate nature of human beings regarding such matters, out of mercy and compassion the Messenger of Allāh (sallallahu alayhi wasallam) allowed people to exercise caution and instructed them to steer clear of areas where one may catch a certain disease. The underlying wisdom behind this command was to protect the belief of all Muslims regarding the contagiousness of diseases in case

a Muslim catches a disease and starts to believe that the actual cause of the disease is not through the power of Allāh Ta`ālā; rather, it is the contagiousness of the disease itself.

As such, one who exercises caution and stays away from such situations has practiced on the sunnah and has acted according to the wisdom of this command. On the other hand, one who shows absolute tawakkul (trust) in Allāh Ta`āla and has reached very high levels of yaqīn (certainty in the fact that nothing in this world has any effect unless it is willed by Allāh the Almighty) may act on the general meaning of the hadīth (that in essence, nothing is contagious unless Allāh Ta`ālā wills that such a thing affects us).

In summary, nothing in this world has the power or ability to affect anything else unless Allāh Ta`āla wills it as so; however, unless one has truly reached such a level of Īmān where one believes that one's belief will not waver or be shaken by any such incident, it is better that one practices on divine wisdom and the words of the Messenger of Allāh (sallallahu alayhi wasallam) by exercising precaution in such matters.

Preventive Measures:

Regarding the latter, there are many instances where the Messenger of Allāh (sallallahu alayhi wasallam) instructed his companions to be cautious when eating or drinking certain types of foods, especially when it was known that a certain food could have undesired effects on our bodies. Similarly, he would also point out that ailments and illnesses do exist and in order to combat such sicknesses Allāh Ta`ālā has created a cure as well. Consider the following narrations:

1. The Messenger of Allāh (sallallahu alayhi wasallam) is reported to have said:

لِكُلِّ دَاءٍ دَوَاءٌ، فَإِذَا أُصِيبَ دَوَاءُ الدَّاءِ بَرَأَ بِإِذْنِ اللَّهِ عَزَّ وَجَلَّ

There is a remedy for every malady, and when the remedy is applied to the disease it is cured with the permission of Allāh, the Exalted and Glorious.

2. The Messenger of Allāh (sallallahu alayhi wasallam) is also reported to have said:

إِنَّ اللَّهَ أَنْزَلَ الدَّاءَ وَالِدَوَاءَ، وَجَعَلَ لِكُلِّ دَاءٍ دَوَاءً فَتَدَاوَوْا وَلَا تَدَاوَوْا بِحَرَامٍ

Allāh has sent down both the disease and the cure, and He has appointed a cure for every disease, so treat yourselves medically, but do not treat yourselves with anything unlawful.

3. Abū Hurayrah (radiyallāhu `anh) narrates that the Messenger of Allāh (sallallahu alayhi wasallam) said:

مَا أَنْزَلَ اللَّهُ دَاءً إِلَّا أَنْزَلَ لَهُ شِفَاءً

“There is no disease that Allāh has created except that He also has created its cure.”

4. In the following narration, the Messenger of Allāh (sallallahu alayhi wasallam) points out that intentionally consuming a fatal drink such as poison is a great sin:

مَنْ تَحَسَّى سُمًّا فَقَتَلَ نَفْسَهُ، فَسَمُّهُ فِي يَدِهِ، يَتَحَسَّاهُ فِي نَارِ جَهَنَّمَ خَالِدًا مُخَلَّدًا فِيهَا أَبَدًا

Whoever drinks poison and kills himself with it, he will be carrying

his poison in his hand and drinking it in the (Hell) Fire wherein he will abide eternally forever.

5. Abū Hurayrah (radiyallāhu `anh) narrates that the Messenger of Allāh (sallallahu alayhi wasallam) said:

إِذَا وَقَعَ الذَّبَابُ فِي إِنَاءٍ أَحَدِكُمْ فَلْيَغْمِسْهُ كُلَّهُ، ثُمَّ لِيَطْرَحْهُ، فَإِنْ فِي أَحَدِ جَنَاحَيْهِ شِفَاءٌ، وَفِي الْآخَرِ دَاءٌ

If a fly falls in the vessel of any of you, let him dip all of it (into the vessel) and then throw it away, for in one of its wings there is a disease and in the other there is healing (an antidote for it).

6. It is also narrated that the Messenger of Allāh (sallallahu alayhi wasallam) advised one of his companions to avoid certain foods while suffering from specific ailments such as in the following narration:

عَنْ عَبْدِ الْحَمِيدِ بْنِ صَيْفِيٍّ، مِنْ وَلَدِ صَهْبَيْ عَنْ أَبِيهِ، عَنْ جَدِّهِ صَهْبَيْ، قَالَ: قَدِمْتُ عَلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَبَيْنَ يَدَيْهِ خُبْزٌ وَتَمْرٌ، فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «اذْنُ فُكُلٍ» فَأَحَذْتُ أَكُلُ مِنَ التَّمْرِ، فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ «ذَا كُلُّ تَمْرًا وَبِكَ رَمَدٌ؟» قَالَ، فَقُلْتُ: إِنِّي أَمْضِعُ مِنْ نَاحِيَةِ أُخْرَى، فَتَبَسَّمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

Suhayb (radiyallāhu) narrates: I came to the Prophet (sallallahu alayhi wasallam) and in front of him there were some bread and dates. The Prophet (sallallahu alayhi wasallam) said: 'Come and eat.' So I started to eat some of the dates. Then the Prophet (sallallahu alayhi wasallam) said: 'Are you eating dates when you have an inflammation in your eye?' I said: 'I am chewing from the other side.' The Messenger of Allāh (sallallahu alayhi wasallam) smiled.

From the above narrations we understand that there are also many instances where the Messenger of Allāh (sallallahu alayhi wasallam) has advised us that we should take precautionary measures, lest we

do harm to ourselves and our bodies. In fact, Ibn al-Qayyim (rahimahullāh) has dedicated an entire section in his book *Al-Tibb Al-Nabawī* (Prophetic Medicine) to preventive medicine and numerous chapters regarding prophetic advices in curing bodily ailments in his book *Zād al-Ma'ād*.

In regard to water contamination and the use of pesticides, studies have demonstrated that the use of toxic pesticides and instances of consuming contaminated water may cause certain short-term and long-term illnesses. However, preventive measures may be taken such as washing fruits and vegetables before eating, using organic foods instead of chemically treated foods, utilizing water filtration systems, and simply adhering to personal hygiene.

Furthermore, governmental protocols and laws aim to prevent such issues as much as possible by regulating the quality of drinking water and the levels of pesticides utilized in production. As Muslims, we may also take preventive measures by promoting healthy habits that keep us and our families safe from such diseases.

In summary, while it is incorrect to directly attribute the effect of a disease or illness to such things, seeking preventive measures in face of apparent harms is not against *tawakkul* (having trust) in Allāh Ta'ālā as established through the guidance of our blessed Nabī (salallahu alayhi wasallam).

Bukhārī, 5707, The Book of Medicine

Abū Dāwūd, 3925, The Book of Divination and Omens

وَلَكِنْ وَجْهَ الْحَدِيثِ عِنْدِي مَا ذَكَرْتُهُ وَأُطَقِبُ بِنَ هُرَيْرَةَ فِي هَذَا فِي كِتَابِ التَّوَكُّلِ فَإِنَّهُ أَوْرَدَ حَدِيثَ لَا عَدْوَى عَنْ عِدَّةٍ مِنَ السَّخَالِيَةِ وَحَدِيثَ لَا يُورَدُ مُشْرَعٌ عَلَى مُصَحِّحٍ مِنْ حَدِيثِ أَبِي هُرَيْرَةَ وَتَرْجَمَ لِلأَوَّلِ التَّوَكُّلَ عَلَى اللَّهِ فِي تَقْيِ الْعَدْوَى وَلِلثَّانِي دَكْرَ غَيْرِ غَلِطَ فِي مَقْعَدِهِ يَنْقُضُ الْعُلَمَاءُ وَأَثْبَتَ الْعَدْوَى الَّتِي نَقَاهَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَمْ تَرْجَمْ الدَّاهِلَ عَلَى أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَمْ يَرِدْ إِثْبَاتُ الْعَدْوَى بِهَذَا الْقَوْلِ فَسَاقَ حَدِيثُ أَبِي هُرَيْرَةَ لَا عَدْوَى فَقَالَ أَغْرَابِي فَمَا بَالُ الرَّبِّ يُخَالِطُهَا الْأَجْرَبُ

فَقَصَّرَتْ قَالَ فَمَنْ أَغْدَى الْكَلْبُ ثُمَّ ذَكَرَ طَرِيقَهُ عَنْ أَبِي هُرَيْرَةَ ثُمَّ أَخْرَجَهُ مِنْ عَوِيْثَ بْنِ مَسْعُودٍ ثُمَّ دَرَجَمَ ذِكْرَ خَبَرِ رُوِيٍّ فِي الْأَمْرِ بِالْفِرَارِ مِنَ الْمَجْلُومِ قَدْ يَخْطُرُ لِيَعْيُضَ الْكَلْبُ أَنْ يَفِيءَ إِبْرَائِيْلَ الْعَنْدَى وَلَيْسَ كَذَلِكَ وَسَلَفَ عِدِيْثٌ فِي مِنَ الْمَجْلُومِ فَرَارَكَ مِنَ الْكَلْبِ مِنْ عِدِيْثِ أَبِي هُرَيْرَةَ وَمِنْ عِدِيْثِ عَلَائِشَةَ وَعِدِيْثِ عَمْرِو بْنِ الْفَرِيدِ عَنْ أَبِيهِ فِي أَمْرِ الْمَجْلُومِ بِالْمُجَرَّعِ وَعِدِيْثِ بْنِ عَمِيْسٍ لَا يَدْعُوهُ الظَّنُّ إِلَى الْمَجْلُومِ قَدْ قِيلَ قَالَ إِنَّمَا أَمَرَهُمْ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالْفِرَارِ مِنَ الْمَجْلُومِ كَمَا نَهَاهُمْ عَنْ يَبْرُودِ الْمُضْطَرِّ عَلَى الْفَصِيحِ فَهَقَّةٌ عَلَيْهِمْ وَغَشِيَّةٌ أَنْ يُصِيبَ يَغْضُ مِنْ يَحَالِطُهُ الْمَجْلُومُ الْجَذَامَ وَالصَّخِيخَ مِنَ الْمَافِيَةِ الْبَرِّثِ فَشَرِيٌّ إِلَى بَعْضِ الْمُسْلِمِينَ أَنَّ ذَلِكَ مِنَ الْعَدْوَى فَتُؤَيِّدُ الْعَدْوَى أَلْبَى تَأَمَّا صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَأَمَرَهُمْ بِتَحَقُّبِ ذَلِكَ فَهَقَّةٌ مِنْهُ وَتَحَمُّمٌ لِيَسْلَمُوا مِنَ التَّضْيِيقِ بِإِثْبَاتِ الْعَدْوَى وَتَبَيَّنَ لَهُمْ أَنَّهُ لَا يَغْدِي فَيُءِ قَرِيْبًا قَالَ وَتُؤَيِّدُ هَذَا أَكْثَرُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنَ الْمَجْلُومِ هَقَّةً وَاللَّهُ وَتَوَكَّلَا عَلَيْهِ وَتَسَاقَ عِدِيْثُ جَابِرٍ فِي ذَلِكَ قَالَ وَأَمَّا نَهَاهُمْ عَنْ إِدَاعَةِ الظَّنِّ إِلَى الْمَجْلُومِ فَيَحْتَمِلُ أَنْ يَكُونَ لِلَّهِ الْمَجْلُومِ يَغْفُفُ وَيُكَفِّرُ إِدَاعَةَ الصَّخِيخِ نَظَرَهُ إِلَيْهِ لِكَفِّهِ قَالَ عَنْ يَكُونَ بِهِ دَلَّةٌ إِنْ وَصُوْهُ بِكَفَرٍ أَنْ يُكَلِّفَ عَلَيْهِ اهـ وَهَذَا الَّذِي ذَكَرَهُ اخْتِمَالًا سَبَقَهُ إِلَيْهِ مَا لَكَ...

وَقَالَ الْبُخَارِيُّ الصَّوَابُ عِنْدَنَا الْقَوْلُ بِمَا صُغِيَ بِهِ الْغَيْرُ وَأَنَّ لَا غَدْوَى وَأَلَّهُ لَا يُصِيبُ نَفْسًا إِلَّا مَا كُتِبَ عَلَيْهَا وَأَمَّا دُلُّوْ عِلِيْلٍ مِنْ صَخِيخٍ فَتَقَرَّرَ مُوجِبٌ لِنِقَالِ الْجِلَّةِ لِلصَّخِيخِ إِلَّا أَنَّهُ لَا يَنْتَبِغِي إِذِي صَخِيخٌ الْمُدُّوْ مِنْ صَاحِبِ الْعَاقِلَةِ الَّتِي يَكْتَفِيهَا الْكُلْمُ لَا لِقَتَرِيْعٍ ذَلِكَ بَلْ لِبَغْشِيَّةٍ أَنْ يَطْرُقَ الصَّخِيخُ أَنَّهُ لَوْ نَزَلَ بِهِ ذَلِكَ الدَّاءُ أَنَّهُ مِنْ جِهَةِ دُلُوْهُ مِنَ الْعِلِيْلِ يَفْتَقِرُ فِيمَا أَبْطَلَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنَ الْعَدْوَى وَقَدْ سَلَكَ الطَّعَاوِي فِي مَعَانِي الْأَلَامِ مَسْلَكٌ بِنَ غُرْبَةٍ فِيمَا ذَكَرَهُ...

(فتح الباري، حديث رقم ٧٠٧٥، كتاب الطب)

قَالَ الشَّيْخُ أَبُو مُحَمَّدٍ بِنُ أَبِي جَمْرَةَ الْأَمْرُ بِالْفِرَارِ مِنَ الْكَلْبِ لَيْسَ لِلْوُجُوبِ بَلْ لِلتَّحَقُّقِ لِكَلِّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يَنْهَى أُمَّهُ عَنْ كُلِّ مَا فِيهِ ضَرَرٌ بِأَيِّ وَجْهِ كَانَ وَيَنْهَاهُمْ عَلَى كُلِّ مَا فِيهِ خَيْرٌ وَقَدْ ذَكَرَ بَعْضُ أَهْلِ الطَّبِّ أَنَّ الرِّوَايَةَ تُخَدِّدُ فِي الْكِبْدَانِ عِلَالًا فَكَانَ هَذَا وَجْهَ الْأَمْرِ بِالسَّعَادَةِ وَقَدْ أَكَلَهُ هُوَ مَعَ الْمَجْلُومِ فَلَوْ كَانَ الْأَمْرُ بِجَنَابَتِهِ عَلَى الْوُجُوبِ لَمَا قَطَعَهُ قَالَ وَيَحْتَمِلُ الْجَمْعُ بَيْنَ فِعْلِهِ وَقَوْلِهِ بِأَنَّ الْقَوْلَ هُوَ الْمَشْرُوعُ مِنْ أَجْلِ ضَعْفِ الْمُخَاطَبِينَ وَفِعْلُهُ حَقِيْقَةُ الْإِيْمَانِ فَهَنْ فَعَلَ الْكَلْبُ أَصَابَ الشُّقَّةَ وَهِيَ أَثَرُ الْمَجْنُونَةِ وَمَنْ فَعَلَ الْكَلْبُ الْكَلْبُ كَانَ أَهْوَى يَهْبِيهَا لِأَنَّ الْقَضَاءَ كَلْمًا لَا تَأْتِي لَهَا إِلَّا يَفْتَقِرُ إِزَابَةَ اللَّهِ تَعَالَى وَتَقْدِيرُهُ كَمَا قَالَ تَعَالَى وَمَا هُمْ بِضَالِيْنَ بِهِ مِنْ أَحَدٍ إِلَّا بِإِذْنِ اللَّهِ فَهَنْ كَانَ قَوِيَّ الْبَقِيْنِ كَلَّمَ أَنْ يَتَلَقَّهَ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي فِعْلِهِ وَلَا يَضُرُّهُ فَيُءِ وَمَنْ وَجَدَ فِي نَفْسِهِ ضَعْفًا فَلْيَتَّبِعْ أَمْرَهُ فِي الْفِرَارِ لِئَلَّا يَدْخُلَ بِفِعْلِهِ فِي الْقَاءِ نَفْسَهُ إِلَى التَّوَكُّلِ فَالْحَاصِلُ أَنَّ الْأَمْرَ الَّذِي يَتَوَقَّعُ مِنْهَا الضَّرَرُ وَقَدْ أَبَاحَتِ الْحِكْمَةُ الرَّيَاسِيَّةُ الْعَدْلَ مِنْهَا فَلَا يَنْتَبِغِي لِلطَّعْمَلِ أَنْ يَفْرُقُوْهَا وَأَمَّا أَصْحَابُ الصَّدَقِ وَالْيَقِيْنِ فَهُمْ فِي ذَلِكَ بِالْإِيْمَانِ (المراجع السابق)

(ومن يقل) من أهل الضلال: كالفسلفة (الطبيع) أي: بآثار الطبيع، أي: الطبيعة والحقيقة، بأن يقول: أن الأشياء المذكورة تؤثر بطبيعتها. (أو) يقل (بالعلة) أي: بآثارها، بأن يقول: إن بعض الأشياء علة أي: سبب في وجود شيء، من غير أن كون الله تعالى فيه اختيار... (فذلك) القائل (كقوله)... لأنه أثبت الشريك، والعجز لله - تعالى عن ذلك - (سند) جميع (أهل الملة) أي: ملة الإسلام... (ومن يقل) من أهل الزيغ إن هذه الأمور العاجية تؤثر (بالقوة) للمودة) أي: بواسطة قوة أودعها الله تعالى فيها... (فذلك) القائل (يدعي) (لا تلتفت) أي: لقوله: بل يجب الأعراض عنه، والتمسك بقول أهل السنة: من أنه لا تأثير ما سوى الله تعالى أصلاً، لا بطبع، ولا بعلّة، ولا بواسطة قوة أودعت فيها، وإلما التأثير لله وحده بمحض اختياره.

(شرح الخريدة البهية، ص ٤٦١-٤٦٦، دار البصائر)

Muslim, 2204, The Book of Greetings

Abū Dāwūd, 3874, The Book of Medicine

Bukhārī, 5678, The Book of Medicine

Ibid., 5778

Ibid., 5782

Abū Dāwūd, 3874, The Book of Medicine

قَالِيْبِيْثُ: هُوَ الَّذِي يَفْرُقُ مَا يَمُرُّ بِالْإِنْسَانِ جَمْعُهُ أَوْ يَخْتَفِ فِيهِ مَا يَضُرُّهُ قَرِيْبُهُ أَوْ يَنْفَضُ مِنْهُ مَا يَضُرُّهُ زِيَادَتُهُ أَوْ يَزِيْدُ فِيهِ مَا يَضُرُّهُ نَقْصُهُ فَيُجْلِبُ السَّخَّةَ الْمَغْشُوْدَةَ أَوْ يَحْفَظُهَا بِالشَّكْلِ وَالشَّيْءِ، وَيَذْفِقُ الْعِلَّةَ الْمَوْغُوْدَةَ بِالضَّدِّ وَالْقِيْضِ وَيُخْرِجُهَا أَوْ يَدْخُلُهَا مَا يَمْتَنِعُ مِنْ مَخْضُولِهَا بِالْجَمِيَّةِ، وَسَتَرَى هَذَا فِي هَذِي رَسُوْلِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ خَالِيًا خَالِيًا كَالْيَا بِحَوَالِ اللَّهِ وَكُلُوْبِهِ، وَقَضَاهُ وَمَغْشُوْبِهِ.

(إد المجلد، ج ٤، ص ٨، مؤسسة الرسالة)

See Al-Tibb Al-Nabawī: Fasli fi al-Mahādhir

See Zād al-Ma'ād: Fasli Tibb al-Abdān, Fasli al-Tadawī, Fasli Anwa' i 'Ilajihī

Pesticide illness is a grouping of symptoms and diseases that can be caused by exposure to pesticides in the workplace, home, and other places in the environment.

Exposures to pesticides may cause a wide variety of both acute (short-term) and chronic (long-term) health affects, depending upon the type of pesticide and the amount of exposure. Signs of acute poisoning may include diarrhea, pinpoint pupils, rashes, nausea, headache, and vomiting. Some pesticides may cause eye, skin, or throat irritation. Chronic exposure (greater than 1 year) to some types of pesticides may aggravate asthma symptoms; other types may increase the risk for certain types of cancers and birth defects, or cause damage to the genetic and immune systems.

["Pesticide Illness", CDPH, accessed on March 09, 2015, <http://www.cdph.ca.gov/HEALTHINFO/DIS->

COND/Pages/PesticideIllness.aspx]

Laboratory studies show that pesticides can cause health problems, such as birth defects, nerve damage, cancer, and other effects that might occur over a long period of time. However, these effects depend on how toxic the pesticide is and how much of it is consumed. Some pesticides also pose unique health risks to children.

["Pesticides and Food: Health Problems Pesticides May Pose", EPA, accessed on March 09, 2015, <http://www.epa.gov/pesticides/food/risks.htm>]

Beyond Pesticides, an environmental and public health group, decided to put together the Pesticide-Induced Diseases Database to raise awareness about the dangers of pesticides and to urge policy changes to get these chemicals removed from use.

"A read through of the scientific literature on pesticides and major preventable diseases afflicting us in the 21st century suggests that one of the first responses called for is an all out effort to stop using toxic pesticides," explained Jay Feldman, executive director of Beyond Pesticides.

["Pesticides may be a leading cause of major diseases", Natural News, accessed on March 09, 2015, http://www.naturalnews.com/029550_pesticides_disease.html]

The presence of contaminants in water can lead to adverse health effects, including gastrointestinal illness, reproductive problems, and neurological disorders. Infants, young children, pregnant women, the elderly, and people whose immune systems are compromised because of AIDS, chemotherapy, or transplant medications, may be especially susceptible to illness from some contaminants.

["Water-related Diseases and Contaminants in Public Water Systems", CDC, accessed on March 09, 2015, http://www.cdc.gov/healthywater/drinking/public/water_diseases.html]

"Water Sanitation Health", WHO, accessed on March 09, 2015, http://www.who.int/water_sanitation_health/diseases/diarrhoea/en/

"Pesticides and Food: Health Problems Pesticides May Pose", EPA, accessed on March 09, 2015, <http://www.epa.gov/pesticides/food/risks.htm>

"Water-related Diseases and Contaminants in Public Water Systems", CDC, accessed on March 09, 2015, http://www.cdc.gov/healthywater/drinking/public/water_diseases.html

QIYAAMUL LAYL & TAHAJJUD

Q: I have heard that in qiyaamul-layl, we should try to pray it individually and not in jamaat. Why is this? And is it permissible? And the same for tahajjud. Can this be prayed in jamaat? Why or why not? And also, is this permissible?

A: According to the Hanafi Mazhab (school of thought), Nafil Salaah (optional/additional Salaah) should be performed individually during Ramadaan and out of Ramadaan. This is with the exclusion of Salaatut Taraweeh, Salaatul Istisqaa' (Salaah seeking rain) and Salaatul Kusoof (Salaah at a solar eclipse). All these Salaahs are performed in congregation.

If two or three people follow an Imaam in Nafil Salaah occasionally, it is permissible to do so. However, it is Makrooh for four people to follow an Imaam in Nafil Salaah.

1 { والجماعة في النفل في غير التراويح مكروهة فلاحتياط تركها..... وعن شمس الأئمة أن هذا أن هذا أي كراهة الجماعة في النفل إذا كان على سبيل التداخي أي طريق يدعو الناس للإجماع عليهم أما لو اقتدى واحد بواحد أو اثنان بواحد لا يكره لأن النبي صلى الله عليه وسلم أم ابن عباس في صلاة الليل وصح أنه صلى الله عليه وسلم أم أنسا واليتيم والعجوز فعلى بهم زكعتين وكلت نافلة وإذا اقتدى ثلاثة بواحد اختلف فيه وإذا اقتدى أربعة بواحد كره اتفاقا {حاشية الطحطاوي على مراحي الفلاح شرح نور الإيضاح، ج 1، ص 683، دار الكتب العلمية بيروت - لبنان }

2 { وَالْجَمَاعَةُ فِي النَّفْلِ فِي غَيْرِ رَمَضَانَ مَكْرُوهَةٌ فَلَا حَتِيَّاتُ تَرْكُهَا فِيهِ { تبين الحقائق شرح كنز الدقائق وحاشية الشُّلْبِي، ج 1، ص 881، المطبعة الكبرى الأميرية - بولاق، القاهرة }

3 { (وَيُؤَيَّرُ) أَيُّ يُصَلِّي الْوُتْرَ {جَمَاعَةً فِي رَمَضَانَ فَقَطْ} لِإِتِّعَادِ الْإِجْمَاعِ عَلَيْهِ كَمَا فِي الْهَدَايَةِ وَفِيهِ إِشَارَةٌ إِلَى أَنَّهُ لَا يُؤَيَّرُ {جَمَاعَةً فِي غَيْرِ شَهْرِ رَمَضَانَ لِأَنَّهُ نَفْلٌ مِنْ وَجْهِ {وَالْجَمَاعَةُ فِي النَّفْلِ فِي غَيْرِ رَمَضَانَ مَكْرُوهَةٌ فَلَا حَتِيَّاتُ تَرْكُهَا { مجمع الأنهر في شرح ملتقى الأئمة، ج 1، ص 731، دار إحياء التراث العربي }

{ فتاوي دار العلوم زكريا، ج 2، ص 883/783، زمزم پبلشرز 4

{ فتاوي عثمانی، ج 1، ص 844-854، مكتبه معارف القرآن كراتشي5

مولانا ظفر احمد عثمانی: 11

قلت : و تفسیر التداخي بالإهتمام والمواظبة أولي من تفسيرها با لعدد والكثرة كما لا يخفى، لأن الأول أقرب إلى اللغة و أشبه بها دون الثاني . { إعلال السنن، ج 7، ص 39، ادارة القرآن كراتشي }

2 { مولانا حسين احمد مدني:

وَقَدْ صَرَّحَ الْحَاكِمُ أَيْضًا فِي بَابِ صَلَاةِ الْكُوفِيِّ مِنَ الْكَافِي بِقَوْلِهِ وَيُكْرَهُ صَلَاةُ الطُّغُوْعِ جَمَاعَةً مَا خَلَا فِيَتَامَ رَمَضَانَ وَصَلَاةَ الْكُوفِيِّ ، وَهَذَا خِلَافَ مَا ذَكَرَ ضَيْغُ الْإِسْلَامِ زَيْعَمَهُ اللَّهُ { فتح القدير، ج 2، ص 95، مكتبه رشديه كوته }

قلت: وَيُؤَيَّرُهُ أَيْضًا مَا فِي الْبَتَائِعِ مِنْ قَوْلِهِ: إِنَّ الْجَمَاعَةَ فِي الطُّغُوْعِ لَيْسَتْ بِسُنَّةٍ إِلَّا فِي قِيَامِ رَمَضَانَ اهـ فَإِنْ نَفَى السُّنَّةُ لَا يَسْتَلْزِمُ الْكِرَاهَةَ، نَعَمْ إِنْ كَانَ مَعَ الْمَوَاطِنَةِ كَانَ يَدْعَى فَيُكْرَهُ. { رد المحتار على الدر المختار، ج 2، ص 84-94، دار الفكر-بيروت }

مذكوره بالا نصوص میں قیام رمضان کی تصریح فرمائی گئی، اس کی تخصیص تراویح کے ساتھ نہیں کی گئی، چونکہ رسول اللہ صلی اللہ علیہ

وسلم سے تسری شب تک اور صحابہ کرام سے آخری شب تک نوافل باجماعت پڑھنا منقول ہے، جیسا کہ موطا امام مالک میں بکثرت مروی ہے، اس لئے تمام وہ نوافل جو رمضان کی راتوں میں پڑھے جائیں، خواہ تراویح ہو یا تہجد، اوائل شب یا اواخر شب میں، جماعت کی اجازت ہوگی۔

قَالَ مُعْتَمِدٌ: وَيَهْدَى كُلُّهُ تَأْخُذُ لَا بَأْسَ بِالصَّلَاةِ فِي شَهْرِ رَمَضَانَ، أَنَّ يُصَلِّيَ النَّاسُ تَطَوُّعًا بِإِمَامٍ، لِأَنَّ الْمُسْلِمِينَ قَدْ أَجْمَعُوا عَلَى ذَلِكَ وَرَأَوْهُ حَسَنًا إِمَامًا بَرَوَاةً مُحَمَّدُ بْنُ الْحَسَنِ الشَّيْبَانِي، ج 1، ص 19، المكتبة العلمية {.

اَي قَامَ تِلْكَ مُصَلِّيًا وَالْمَرَادُ مَنْ قِيَامَ اللَّيْلِ مَا يَحْتَمِلُ بِهِ مُطْلَقُ الْقِيَامِ كَمَا قَدْ مَنَاهُ فِي التَّهَجُّدِ سَوَاءٌ وَذَكَرَ النَّوَوِيُّ أَنَّ الْمُرَادَ بِقِيَامِ رَمَضَانَ صَلَاةَ التَّارَوِيحِ بِغَيْرِهَا أَنَّهُ يَحْتَمِلُ بِهَا الْمَطْلُوبَ مِنَ الْقِيَامِ لَا أَنَّ قِيَامَ رَمَضَانَ لَا يَكُونُ إِلَّا بِهَا وَأَعْرَبَ الْكُرْمَانِيُّ فَقَالَ اتَّفَقُوا عَلَى أَنَّ الْمُرَادَ بِقِيَامِ رَمَضَانَ صَلَاةَ التَّارَوِيحِ { فتح الباري شرح صحيح البخاري، ج 4، ص 152، دار المعرفة - بيروت {

قلت: قال النووي: المراد بقيام رمضان صلاة التراويح، ولكن اتفاق من أين أخذه بل المراد من قيام الليل ما يحصل به مطلق القيام سواء كان قليلا أو كثيرا، اهـ. وقال العيني في الجزء الأول صفحة: ١٨٢ من كتاب الإيهان من عمدة القاري ما نصه، ومعنى من قَامَ رَمَضَانَ: مَنْ قَامَ بِالطَّائِفَةِ فِي لَيْلِي رَمَضَانَ، وَيُقَالُ: يُرِيدُ صَلَاةَ التَّارَوِيحِ، وَقَالَ بَعْضُهُمْ: لَا يَحْتَمِلُ ذَلِكَ بِصَلَاةِ التَّارَوِيحِ بَلْ فِي أَيْ وَقْتُ صَلَى تَطَوُّعًا حَصَلَ لَهُ ذَلِكَ الْفَضْلُ { عمدة القاري شرح صحيح البخاري، ج 1، ص 332، دار إحياء التراث العربي - بيروت {

نصوص مذکورہ بالا سے مندرجہ ذیل امور معلوم ہوتا ہے :-

1:- ہر نفل نماز باجماعت مطلقاً مکروہ نہیں ہیں، بلکہ اس سے کچھ مستثنیات بھی ہیں۔

2:- مستثنیات میں لفظ قیام اور کسوف کو ذکر کیا ہے۔

3:- امام محمد اور حاکم اور صاحب بدائع وغیرہ متقدمین (رحمہم اللہ تعالیٰ) نے فقط لفظ قیام رمضان ذکر فرمایا ہے، جو کہ مخصوص بالتراویح نہیں ہے۔

4:- قیام رمضان کو مخصوص بالتراویح کرنا قول مرجوح ہے، جو کہ علامہ کرمانی اور علامہ نووی رحمہما اللہ تعالیٰ کا قول ہیں، اس کے خلاف حافظ ابن حجر عسقلانی اور امام عینی رحمہما اللہ تعالیٰ قیام رمضان سے تمام نوافل مراد لے رہے ہیں، خواہ تراویح ہو یا تہجد ہو، یا دیگر نوافل۔ اور امام نووی کے قول کو مؤول قرار دیتے ہوئے اپنے قول کی طرف لوٹاتے ہیں، اور کرمانی کے قول کو غریب اور مخدوش فرما دیتے ہیں، اور یہی امر مدلول مطابق بھی ہے۔

بنابراین فتاویٰ رشیدیہ کی تصریح جلد ثانی صفحہ 951 اور جلد اول صفحہ 94 جس میں مستثنیات کو منحصر تراویح کے ساتھ کیا گیا، قول مرجوح پر مبنی ہے۔ پس رمضان کی جملہ نوافل کی جماعت، خواہ بالتدعی ہو یا بلا تداعی، سب ملاؤں فیہ بلکہ مستحب ہوں گی، اور ”من قَامَ رَمَضَانَ“ کے تحت داخل ہوں گی، اس پر نکیر کرنا غیر صحیح ہوگا، بلکہ جملہ طاعات، طواف نفل یا عمرہ نافلہ وغیرہ اسی میں محسوب اور مرغوب فیہ قرار دیئے جائیں گے، کہا ذکر العینی رحمہ اللہ تعالیٰ۔

ہم نے حضرت قطب العالم حاجی امداد اللہ صاحب قدس اللہ سرہ العزیز کا عمل بھی مکہ معظمہ میں اسی پر پایا ہے، اور حضرت شیخ الہند مولانا محمود الحسن قدس اللہ سرہ العزیز کا بھی یہی معمول تھا۔ اور حرمین شریفین سے عمل ستہ عشریہ وغیرہ کا جو کہ بالخصوص شوافع، اور چالیس رکعات کا عمل جو کہ مالک کا معمول بہ تھا، اور اہل مکہ کا قدیمی عمل ہر ترویجہ پر اسرع طواف کا اسی کا مؤید ہے { منقول فی فتاویٰ عثمانیہ، ج 1، ص 644-644، مکتبہ معارف القرآن کراچی {

PERFORMING SALAAH WITH SHOES

Q: What is the ruling on performing prayers with shoes on? A friend mentioned that there is a hadith that states the prophet and Sahabah performed Salaah with shoes in normal conditions. I am very confused because I see her performing prayers sometimes with shoes on.

A: If one performs salah with shoes on and there is no impurity on the shoes, the salah will be valid. However, it is advisable not to perform salah in shoes if there is no dire need to do so, as performing salah in shoes especially the shoes of today may compromise the sunnat posture in sajdah and jalsa (sitting posture). A dire situation is for example the ground is muddy or one is in a forest and it is a thorny ground.

رفع الاشتباه عن مسألة كشف الرؤوس وليس النعال في الصلاة للكوثري

قال الكوثري في غاية المقال فيما يتعلق بالنعال، فقال: لَمَّا لم تذكره الصلوة متنهلاً مع كونها أرفع العبادات، لا تذكره زيارة القبور متنهلاً بالطريق الأول ص 744

قال في المحيط البرهاني: وكان يقول البلوي إما تكون في النعال والنعال مما يمكن خلعها، وقد اعتاد الناس خلع النعال، وليس فيه كثير ضرورة والصلوة بغير النعل أحمد، والكثير الفاحش فيه يمنع جواز الصلاة

IS USING TASBEEH A BIDAH?

Q: I have following questions:

1. Is using Tasbeeh is Bidah & is this imitation of Christianity.
2. Giving Tasbeeh as a Hadiyah is permissible in Islam.

It is permissible to use a “tasbīh” or “subhah” in order to aid oneself in performing dhikr. A tasbīh helps in performing dhikr in two ways:

1. By holding it in the hand or seeing it, one is encouraged and reminded to perform dhikr. This is why it is also known as a “mudhak-kir” (reminder).
2. It also helps one keep count.

Using beads or stones to help one with dhikr is supported by hadīths. Imāms Abū Dāwūd and al-Tirmidhī narrated in their collections on the authority of Sa’d ibn Abī Waqqās (radiyAllāhu ‘anh) that together with Rasūlullāh (sallAllāhu ‘alayhi wasallam) he came upon a woman with date stones or pebbles before her, with which she was reciting tasbīh. The narration continued, but does not state Rasūlullāh (sallAllāhu ‘alayhi wasallam) reprimanded her or disapproved of what she was doing. Imām al-Tirmidhī and Hāfiz Ibn Hajar al-‘Asqālānī graded the chain of narration hasan. This offers proof that taking assistance from something to help one to keep count of his dhikr is permissible.

Hence, if one uses tasbīh for this purpose it will not be bid‘ah. However, there should be no belief attached to the tasbīh that it has intrinsic virtue or the one who recites dhikr using it is superior to one who does not. The great scholars, Jalāl al-Dīn al-Suyūtī (d. 911 H) and ‘Abd al-Hayy al-Laknawi (d. 1304 H) , have both authored treatises showing the permissibility of using a tasbīh. It is permissible to give a tasbīh as hadiyyah.

نتائج الأفكار، دار ابن كثير، ج. ١ ص ١٨
"المنفعة في السبحة" ضمن الحاوي للفتاوي، دار الكتب العلمية، ج. ٢ ص ٢٠-٢٠٠
"زهوة الفكر في سبحة الذكر" مع حاشيته "المنفعة بتحشية الزهدة" للملقب بـ "هدية الأبرار في سبحة الأذكار" ضمن مجموعة رسائل اللكنوي، المكتبة الإمدادية، ص ٧١١-٥٥١

REPENTING FROM SINS

Q : I am sick and tired of being a bad person and disobeying Allah. I am regular in my Salaah but do commit sins that I am too ashamed to speak of. Please advise me on the best way to repent (such as some duas, qur'anic ayah) and to attain taqwa and the love for Allah in my heart. Also, I hear people speak of 'salaatul tawba'. Is there such a thing and if so, how should one perform it.

A : Allah Ta'ālā is full of mercy and kindness and is always ready to forgive. Never despair of His mercy. Allah Ta'ālā says:

قُلْ يَا عِبَادِيَ الَّذِينَ أَسْرَفُوا عَلَىٰ أَنفُسِهِمْ لَا تَقْنَطُوا مِن رَّحْمَةِ اللَّهِ إِنَّ اللَّهَ يَغْفِرُ الذُّنُوبَ جَمِيعًا إِنَّهُ هُوَ الْغَفُورُ
الرَّحِيمُ

“Say (on My behalf), ‘O servants of Mine who have acted recklessly against their own selves, do not despair of Allah’s mercy. Surely, Allah will forgive all sins. Surely, He is the One who is the Most-For-giving, the Very-Merciful.”

Alhamdulillah, Allah Ta'ālā has put in your heart the desire to change and become His obedient slave. This is the first step towards tawbah. Capitalise on this feeling and do not give up or become despondent. Inshā Allah, the following guidelines will be sufficient:

Firstly, find the company of a righteous guide and shaykh in your locality who you can relate to and who has imbibed the qualities of Taqwā and adherence to the Sunnah. Keep his company, confide in him and adhere to his advice.

Secondly, be sincere in leaving sins by cutting off all avenues to sin. For example, if one is overcome by the sin of lust, he should cut off all avenues leading to it, by not keeping television in his home,

disabling pictures on the internet, not watching films or movies, not attending places where he would be led to temptation and sin or where there is intermingling of sexes, lowering his gaze when outside and in the marketplace, and so on.

Thirdly, recite the following du‘ā’ after every Fajr and Maghrib prayer, with feeling and devotion:

اللَّهُمَّ أَنْتَ رَبِّي لَا إِلَهَ إِلَّا أَنْتَ، خَلَقْتَنِي وَأَنَا عَبْدُكَ، وَأَنَا عَلَى عَهْدِكَ وَوَعْدِكَ مَا اسْتَطَعْتُ، أَعُوذُ بِكَ مِنْ شَرِّ مَا صَنَعْتُ، أَبُوءُ لَكَ بِنِعْمَتِكَ عَلَيَّ، وَأَبُوءُ لَكَ بِذَنْبِي فَاغْفِرْ لِي، فَإِنَّهُ لَا يَغْفِرُ الذُّنُوبَ إِلَّا أَنْتَ

Allaahumma Anta Rabbee; laa ilaaha illaa Anta; khalaqtanee wa ana ‘abduk; wa ana ‘alaa ‘ahadika wa wa’dika mastataa’t; a’oodhu bika min sharri maa ana’tu; aboo’u laka bi ni’matika ‘alayya wa aboo’u laka bidhambee; faghfirlee; fa innahoo laa yaghfirudh dhunooba illa Anta

“O Allah! You are my Lord. There is no deity besides You. You have created me and I am Your slave. And I hold to Your covenant and Your promise as much as I can. I seek protection in You from the evil that I have committed. I confess to You Your blessing over me and I confess to You my sin. So forgive me! For verily, none forgives sin but You.”

Rasūlullāh (sallAllāhu ‘alayhi wasallam) said about this supplication: “Whoever says this in the morning having certainty in it, and dies on that day before reaching the evening, he will be from the inhabitants of Jannah. And whoever says this in the evening having certainty in it, and dies before reaching the morning, he will be from the inhabitants of Jannah.” (Sahīh al-Bukhārī)

Fourthly, as far as possible, perform every Salāh in the masjid. Rasūlullāh (sallAllāhu ‘alayhi wasallam) said: “The congregational Salāh exceeds one’s Salāh in his house and his Salāh in his market by 25

times. When one of you performs wudū' and excels (in performing wudū'), and he attends the masjid, having no intention besides Salāh, he does not tread one step, except Allah raises him one rank thereby and He removes from him one sin, until he enters the masjid. And when he enters the masjid, he is in Salāh so long as (the Salāh) keeps him (in the masjid); and the angels pray over him for as long as he is in his sitting-place in which he will pray. [The angels say]:

‘O Allah, forgive him! O Allah, have mercy on him!’” Hence, Salāh in the masjid is a great means of forgiveness and gaining nearness to Allah Ta‘ālā.

Fifthly, recite this du‘ā’ frequently, begging Allah Ta‘ālā for His fear and to protect you thereby from sin:

اللهم إني أسألك من خشيتك ما تحول به بيني وبين معصيتك

Allaahumma innee as'aluka min khashyatika maa taool bihee baynee wa bayna ma'iyatik

“O Allah! Verily, I ask You from Your fear that which will become a barrier between me and Your disobedience.”

The only way to stop deep-rooted and entrenched sins is to develop the fear of Allah Ta‘ālā. This will come by keeping the company of the pious and by working to develop it within yourself. With regards to Salāt al-Tawbah.

Sayyidunā Abū Bakr al-Siddīq (radiyAllāhu ta‘ālā ‘anh) narrated from Nabī (sallAllāhu ‘alayhi wasallam):

ما من رجل يذنب ذنباً فيتوضأ فيحسن الوضوء ثم يصلي ركعتين فيستغفر الله عز وجل إلا غفر له

“No man commits a sin, then performs wudū’, and perfects the wudū’, then prays two rak‘ahs, and then begs Allah – Great and Glorious is He – for forgiveness, except he will be forgiven.”

Its procedure is to perform two rak‘ahs of nafl prayer, and then make du‘ā’ to Allah, saying: “O Allah, I seek Your forgiveness from such-and-such a sin. I will never return to it.”

ما من رجل يذنب ذنباً فيتوضأ فيحسن الوضوء ثم يصلي ركعتين فيستغفر الله عز وجل إلا غفر له
“No man commits a sin, then performs wudū’, and perfects the wudū’, then prays two rak‘ahs, and then begs Allah – Great and Glorious is He – for forgiveness, except he will be forgiven.”
Its procedure is to perform two rak‘ahs of nafl prayer, and then make du‘ā’ to Allah, saying: “O Allah, I seek Your forgiveness from such-and-such a sin. I will never return to it.”

CELL PHONE TOWER ON THE PROPERTY OF THE MASJID

Q: MTN requested to erect a reception tower on our Masjid for which a rental will be received. Is it permissible if it is placed on the Minaarat (which is part of the masjid). What if it is placed on the Sahn?

A: We have come to the conclusion that it is not feasible to place a cell phone tower on any part of the Masjid property due to the following reasons:

- 1) It is against the sanctity of the Masjid.
- 2) It does not provide any true benefit to the purpose of maintaining the Masjid (i.e. prayer and ease for musallis).
- 3) It allows the Masjid to become a hub for promoting impermissible activities via the internet.

Details of this discussion have been provided below.

Placing a Cell Phone Tower on the Property of a Masjid

The issue under question requires us to approach the matter from three dimensions:

- 1) Legal rulings pertaining to adding structures to the Masjid or finā'.
- 2) Legal rulings pertaining to using the Masjid, the finā', or any structures found within either as a source of income by lending it out under a contract of Ijārah.
- 3) The moral aspect of using a sanctified property as a hub and source for worldly affairs (i.e. via the internet).

Issue I: Adding structures to the Masjid or finā' (sahn)

Masjid: In terms of similarity, the structure that most closely represents a cell phone tower is a minaret. In regards to adding a minaret, 'Allāmah Ibn Nujaym (rahimahullāh) mentions in his Al-Bahr al-Rāiq:

الثَّامِنَةُ فِي وَفْقِ الْمَسْجِدِ أَيْجُوزُ أَنْ يُبْنَى مِنْ غَلْتِهِ مَنَارَةٌ قَالَ فِي الْخَانِيَّةِ مَعْرِضًا إِلَى أَبِي بَكْرٍ الْبُلْخِي إِنْ كَانَ ذَلِكَ مِنْ مَصْلَحَةِ الْمَسْجِدِ بِأَنْ كَانَ أَسْمَعَ لَهُمْ فَلَا بَأْسَ بِهِ وَإِنْ كَانَ يَحَالٍ يَسْمَعُ الْجِيرَانُ الْأَذَانَ يَغْيِرُ مَنَارَةٌ فَلَا أَرَى لَهُمْ أَنْ يَفْعَلُوا ذَلِكَ (البحر الرائق، ج ٥، ص ٥١٢، إيج ايم سعيد كمبني)

Similarly, it is also mentioned in Al-Fatawā al-Hindiyyah:

وَيَجُوزُ أَنْ يُبْنَى مَنَارَةٌ مِنْ غَلَّةٍ وَفْقِ الْمَسْجِدِ إِنْ اخْتِاجَ إِلَيْهَا لِيَكُونَ لِلْجِيرَانِ وَإِنْ كَانُوا يَسْمَعُونَ الْأَذَانَ يَدُونُ الْمَنَارَةَ فَلَا كُدَّاءَ فِي خِزَاةِ الْمُفْتَيْنِ (الفتاوى الهندية، ج ٢، ص ٢٦٤، مكتبة رشيدية)

'Allāmah Burhān al-Dīn (rahimahullāh) also sums this up in the following words:

في هذا الكتاب أيضاً: سئل أبو بكر عن بناء المنارة من غلة المسجد قال: إن كان البناء مصلحة للمسجد * وتفسير المصلحة أن يكون أسمع للقوم * يجوز، وإن لم يكن في البناء مصلحة للمسجد * وتفسيره أن يكون المسجد في موضع يسمع جميع أهله الأذان من غير المنارة * (المحيط البرهاني، ج ٩، ص ٥٣١، إدارة القرآن)

It is clear from above that the fuqahā' have allowed a minaret to be constructed only if there is a maslahah for the Masjid itself. From the example given, we can see that this maslahah refers to a Shar'ī maslahah that is intertwined with the purpose of the Masjid itself (i.e. prayer and ease for the musallīs) as stated in Fatāwā Rahīmīyyah and Khayr al-Fatāwā . Since constructing a cell phone tower contains no benefit for the musallīs; rather it may divert the musallīs from prayer if they are avid cell phone users, it does not seem feasible to place a cell phone tower atop the Masjid. Furthermore, Mufti

Mahmūd Gangohī (rahimahullāh) states in his Fatawā Mahmūdiyyah that once the intention for a Masjid has been made, then everything above it and below it is a Masjid also; therefore, it is not correct to make a structure within the Masjid that will be used as a source of income. Mawlānā Lājpūrī (rahimahullāh) also states something to the same effect in his Fatawā Rahīmiyyah. He also mentions elsewhere that constructing a billboard on top of the Masjid is also not permissible even if the Masjid is recompensed for it. **Finā'**: If it is not feasible to construct such a structure atop the Masjid, is it possible to do so in the finā' (or sahn) of the Masjid? Moreover, are structures that are constructed in the finā' in the same ruling as the Masjid itself in terms of sanctity?

It is stated in Al-Fatāwā al-Hindiyyah:

قِيمُ الْمَسْجِدِ لَا يَجُوزُ لَهُ أَنْ يَبْنَى عَوَانِيَتْ فِي حَدِّ الْمَسْجِدِ أَوْ فِي فَنَائِهِ لِأَنَّ الْمَسْجِدَ إِذَا جُعِلَ خَاذِلًا وَمَسْكَنًا تَسْقُطُ حُرْمَتُهُ وَهَذَا لَا يَجُوزُ وَالْفَنَاءُ تَبْعُ الْمَسْجِدِ فَيَكُونُ حُكْمُهُ حُكْمُ الْمَسْجِدِ كَذَا فِي مُحِيطِ السَّرْحِيّ
(الفتاوى الهندية، ج ٢، ص ٣٦٤، مكتبة رشيدية)

From the 'ibārah above it is understood that the finā' of a Masjid also takes the ruling of the Masjid in terms of sanctity; therefore, anything that will go against the sanctity of the Masjid should not be constructed within the finā' of the Masjid either. Mufti Mahmūd (rahimahullāh) states in his Fatawā that constructing a structure within the finā' of the Masjid goes against the sanctity (or hurmah) of the Masjid. Mawlānā Lājpūrī (rahimahullāh) has also stated the same in his Fatāwā Rahīmiyyah. In regards to constructing a well in the finā', Mufti Mahmūd Gangohī states in his Fatāwā Mahmūdiyyah that not only is it against the purpose and maslahah of the Masjid, i.e. Salāh, it also has the possibility of bringing more filth into the Masjid. We may also say the same for a cell phone tower in terms of allowing negative data to flow electronically through the tower as will be discussed later.

We may also approach the aspect of adding a cell phone tower by analogizing it with the ruling of planting a tree or adding plants into the finā' of a Masjid. The following `ibārāt may shed some light on this matter:

قَالَ فِي الْخُلَاصَةِ: غَرَسُ الْأَشْجَارِ فِي الْمَسْجِدِ لَا بَأْسَ بِهِ إِذَا كَانَ فِيهِ نَفْعٌ لِلْمَسْجِدِ، بِأَنْ كَانَ الْمَسْجِدُ ذَا نَفْعٍ وَالْأَشْطَوَاتُ لَا تَسْتَقِرُّ بِدُونِهَا وَيَذُونَ هَذَا لَا يَجُوزُ. اهـ. وَفِي الْهِنْدِيَّةِ عَنِ الْقَرَائِبِ: إِنْ كَانَ لِنَفْعِ النَّاسِ بَظِلُّهُ، وَلَا يُضَيِّقُ عَلَى النَّاسِ، وَلَا يُفَرِّقُ الصُّفُوفَ لَا بَأْسَ بِهِ، وَإِنْ كَانَ لِنَفْعِ نَفْسِهِ بِوَرَقِهِ أَوْ ثَمَرِهِ أَوْ يُفَرِّقُ الصُّفُوفَ، أَوْ كَانَ فِي مَوْضِعٍ تَقَعُ بِهِ الْمُشَاهِدَةُ بَيْنَ الْبَيْعَةِ وَالْمَسْجِدِ يُكْرَهُ. اهـ.
(رد المحتار على الدر المختار، ج ١، ص ١٦٦، إيج ايم سعيد كميني)

سئل الفقيه أبو جعفر... فِيمَنْ غَرَسَ الْأَشْجَارَ فِي الْمَسْجِدِ؛ إِنْ كَانَ يَفْعَلُ ذَلِكَ لِلظِّلِّ، لَا بَأْسَ، وَإِنْ كَانَ يَفْعَلُ ذَلِكَ لِبَيْعِ الْأُورَاقِ أَوْ لِمَنْفَعَةٍ أُخْرَى يَكْرَهُ إِذَا كَانَتْ تُضَيِّقُ عَلَى النَّاسِ مَسْجِدَهُمْ لَصَلَاتِهِمْ، أَوْ يَقَعُ فِيهِ تَفْرِيقُ الصُّفُوفِ، قَالَ: بَلَّغْنَا أَنَّ عَمْرَ رَضِيَ اللَّهُ عَنْهُ عَنْهُ قَطَعَ شَجَرَةً كَانَتْ فِي قُرْبِ الْكُعْبَةِ، وَكَانَتْ تُضَيِّقُ عَلَى الْقَوْمِ فِي طَوَافِهِمْ، وَرَأَيْتُ مَسْأَلَةَ الْأَغْرَاسِ فِي الْمَسْجِدِ فِي مَوْضِعٍ آخَرَ، وَكَانَ جَوَابُ الْمَسْأَلَةِ ثَمَّةً أَنَّهُ إِنْ كَانَ لِلْمَسْجِدِ فِيهَا نَفْعٌ لَا بَأْسَ بِهِ، وَمَا لَا فَلَ، وَنَفْعُ الْمَسْجِدِ أَنْ يَكُونَ الْمَسْجِدُ إِذَا تَرَكَ وَأَسَاطِينُهُ لَا يَسْتَقِرُّ، فَيُغْرَسُ الْأَشْجَارُ لِيَجْذِبَ ذَلِكَ عُرُوقَهَا، وَإِنْ كَانَ كَذَلِكَ تَجُوزُ، وَمَا لَا فَلَ؛ وَهَذَا لِأَنَّ غَرَسَ الْأَشْجَارِ فِي الْمَسْجِدِ تَشْبِيهُ لَهُ بِالْبَيْعَةِ، فَلَا يَجُوزُ ذَلِكَ إِلَّا لِحَاجَةٍ، قَالُوا: وَمَشَايِخُ بَخَارَى إِذَا جُوزَ ذَلِكَ فِي جَامِعٍ بَخَارَى لِهَذِهِ الْحَاجَةِ.
(المحيط البرهاني، ج ٨، ص ٨، إدارة القرآن)

From the above texts, the conditions for planting a tree (or flower) within the boundaries of a Masjid may be summarized as follows:

- 1) There is benefit in it for the Masjid
- 2) It does not create an obstruction for the musallis in carrying out their prayers
- 3) It does not create a partition between the rows for prayer

In reference to a cell phone tower, although conditions two and three may be circumvented through architectural means, it is still difficult to classify the placement of a cell phone tower as a "maslahah" for the Masjid even if the Masjid is recompensed through it by monetary gains. Nevertheless, even if we were to consider such a thing as a benefit for the Masjid, it is quite farfetched to analogize a giant metal

structure with a tree or flower planted in a Masjid. As a final statement, Mufti Mahmūd Gangohī (rahimahullāh) states in his Fatāwā Mahmūdiyyah that it is not correct to place anything inside the Masjid or finā' that may be used for advertising a business, which in this case would refer to the mobile telecommunications company, MTN.

Issue II: Lending out parts of the Masjid or finā':

According to the general principles of waqf, it is permissible to rent out a piece of land from the waqf and receive rent from it especially if it is for the sake of the Masjid. Nevertheless, since our query relates to building an actual structure, we shall discuss the details of this issue in that context.

Allāmah Haskafī and 'Allāmah Ibn 'Ābidīn (rahimahumallāh) comment on this as follows:

[قال الحصكفي] [فَرَعَ] لَوْ بَنَى فَوْقَهُ نَيْتًا لِلْإِمَامِ لَا يَصْرُ لَأَنَّهُ مِنَ الْمَصَالِحِ، أَمَا لَوْ ثَمَّتِ الْمَسْجِدُ ثُمَّ أَرَادَ الْبِنَاءُ مَنَعَ وَلَوْ قَالَ عَنَيْتَ ذَلِكَ لَمْ يَصْدُقْ تَنَازُعَانِيَّةٌ، فَإِذَا كَانَ هَذَا فِي الْوَاقِفِ فَكَيْفَ بغيرِهِ فَيَجِبُ هَدْمُهُ وَلَوْ عَلَى جِدَارِ الْمَسْجِدِ، وَلَا يَجُوزُ اخْتِذُ الْأُجْرَةِ مِنْهُ وَلَا أَنْ يَجْعَلَ شَيْئًا مِنْهُ مُسْتَقْلًا وَلَا سَكْنَى بِزَارِيَّةٍ.
[قال ابن عابدين] قُلْتُ: وَبِهِ حُكْمٌ مَا يَصْنَعُهُ بَعْضُ جِيرَانِ الْمَسْجِدِ مِنْ وَضْعِ جُدُوعٍ عَلَى جِدَارِهِ فَإِنَّهُ لَا يَجِلُّ وَلَوْ دَفَعَ الْأُجْرَةَ... قُلْتُ: وَبِهَذَا عَلِمَ أَيْضًا حُرْمَةُ إِحْدَاثِ الْخَلَوَاتِ فِي الْمَسَاجِدِ كَالَّتِي فِي رِوَاقِ الْمَسْجِدِ الْأَمْوِيِّ، وَلَا سِيَّامًا مَا يَتَرْتَّبُ عَلَى ذَلِكَ مِنْ تَقْذِيرِ الْمَسْجِدِ بِسَبَبِ الطَّنِخِ وَالْغَسْلِ وَتَخْوِهِ وَرَأَيْتُ تَأْلِيْفًا مُسْتَقِلًّا فِي الْمَنَعِ مِنْ ذَلِكَ.

(رد المحتار علي الدر المختار، ج ٤، ص ٨٥٣، إيچ ایم سعید کمپنی)

The above statements make it clear that it is incorrect to build something on the premises of or atop the Masjid even if it is let out for rent. In reference to a similar situation, Mawlānā Lājpūrī (rahimahullāh) states that it is not feasible to place a billboard on the Masjid even if the Masjid receives rent from it. Mufti Mahmūd Gangohī (rahimahullāh) has also made a similar statement regarding the advertising of a radio station through a billboard by placing it on the Masjid property. Elsewhere, he has also mentioned that renting

out anything above or below the Masjid area is against the sanctity of the Masjid itself. Furthermore, companies such as MTN typically work on a contract basis where the Masjid will be forced to let out their property for a lengthy period of time. It is stated in Al-Fatāwā al-Hindiyyah that letting out waqf property for long periods of time is not permitted as it may lead to depriving the waqf from its intended use by expropriating the property to another through a binding agreement. Mawlānā Lājpūrī (rahimahullāh) states in his Fatāwā Rahīmiyyah that letting out a part of the Masjid for a long period of time forces the Masjid to reserve a part of the property for the lessees. In such a case, if the Masjid ever has a need to use that part of the land in the future, they will be incapable of doing so as they will be bound to the rental agreement. It is apparent that this clearly goes against the maqāsid (aims and objectives) of a Masjid.

Issue III: Moral aspect of using a sanctified property for worldly affairs”

It is quite apparent to all mobile users that due to the technological advances in our times, mobile phones have become capable of much more than simply being used as communication devices. With the invention of smart phones, telecommunication companies have revamped their technologies to meet the needs of its customers by allowing them to connect to the internet and use their mobile phones for many purposes other than making simple phone calls.

Smart phones today offer users a wide array of uses such as instant messaging, surfing the internet, streaming audio and video, and linking up with many others through social media applications. It goes without saying that while the power of the internet allows one to use it for productive reasons, it is also a means of engaging in many activities looked down upon by Shari`ah such as pornography, flirting with the opposite gender, and wasting countless hours on the

internet by allowing it to force one to neglect one's Islamic duties. By allowing MTN to place a tower on the Masjid property, the Masjid itself becomes a source for allowing such activities to take place by becoming a hub for connecting to the internet. In reference to a similar situation, Mufti Mahmūd Gangohī (rahimahullāh) has disallowed the Masjid from placing a billboard on the Masjid property that advertises an upcoming movie. He further says that this will constitute i'ānah `alā al-ma'siyah (aiding in sin) as the Masjid is becoming a means for promoting an impermissible activity. Even though (in our scenario) the Masjid is not promoting such activities, it is becoming a means of allowing people to watch immoral videos online.

In conclusion, it is not feasible to place a cell phone tower on any part of the Masjid as it violates the sanctity of the Masjid and allows the Masjid to become a means of engaging in harām activities.

Fatawā Rahimiyyah, v. 9 p. 119, Dārul Ishā'at

Khayr al-Fatawā, v. 2 p. 769, Maktabah Imdādiyyah

Fatawā Mahmūdiyyah, v. 14 p. 528, Darul Iftaa Jāmi'ah Fārūqiyyah

Fatawā Rahimiyyah, v. 9 p. 93, Dārul Ishā'at

Ibid., p. 168

Fatawā Mufti Mahmūd, v. 1 p. 534

Fatawā Rahimiyyah, v. 9 p. 132, Dārul Ishā'at

Fatawā Mahmūdiyyah, v. 14 p. 553, Darul Iftaa Jāmi'ah Fārūqiyyah

Fatawā Mahmūdiyyah, v. 14 p. 657, Darul Iftaa Jāmi'ah Fārūqiyyah

Fatawā Mahmūdiyyah, v. 14 p. 613, Darul Iftaa Jāmi'ah Fārūqiyyah

وَأَدْفَعُ أَرْضَ الْوَقْفِ مُزَارَعَةً يَجُوزُ إِذَا مَا تَكُنَّ فِيهِ مُخَابَاةٌ قَدَّرَ مَا لَا يَتَقَاوَرُ النَّاسُ فِيهَا وَكَذَلِكَ لَوْ دَفَعَ مَا فِيهَا مِنَ التَّجِيلِ مُخَابَاةً يَجُوزُ (الفتاوي الهندية، ج ٢، ص ٣٢٤، مكتبة رشيدية)

Fatawā Rahimiyyah, v. 9 p. 121, Dārul Ishā'at

Fatawā Rahimiyyah, v. 9 p. 168, Dārul Ishā'at

Fatawā Mahmūdiyyah, v. 14 p. 615, Darul Iftaa Jāmi'ah Fārūqiyyah

616 p., dibi

فَالْمَعْنَى الَّذِي لِأَجْلِهِ لَمْ تُخَفَّضْ الْمَشَابِهُ أَنَّ لَا تَجُوزُ الْأَعَارَظُ الطُّوِيلَةُ عَلَى الْوَقْفِ وَهُوَ أَنَّ لَا يُؤَدِّي إِلَى إِنْطِلَالِ الْوَقْفِ (الفتاوي الهندية، ج ٢، ص ٣٢٤، مكتبة رشيدية)

Fatawā Rahimiyyah, v. 9 p. 142-143, Dārul Ishā'at

Fatawā Mahmūdiyyah, v. 14 p. 620, Darul Iftaa Jāmi'ah Fārūqiyyah

LEAVING OUT SALAAH BECAUSE OF NO ENJOYMENT

Q: For about a year now, my wife and I are having problems with regards to our Islamic Lifestyle. Alhamdulillah, previously, we were very very punctual and even performed our Qadhaa if we missed Salaah. We were more conscious Deeni wise and tried our best to stay away from evil. Last year March, my wife had a miscarriage and since then things have just been going downhill. Our Salaahs get missed as if it is nothing. We have both discussed this issue and we both feel regret and remorse for missing our Salaahs but both of us have experienced that something inside is making us feel this way and stopping us from performing our Islamic duties.

Everything in our life has also been going downhill in terms of life situations. People have been making problems and saying certain untrue bad things about my Mother. My Father cannot find a job. With regards to Salaah, both my wife and I feel this, that even when we do try to pray Salaah with full and proper concentration, there is no feeling of Salaah. What we use to feel before, love, contentment and happiness with Allaah Taalaa has dissappeared. I hardly pray Salaah with Jamaat in the Masjid and most of the time I don't even pray Salaah at all except Jummuah and that too I feel like running out of the Masjid as quickly as possible.

Respected Mufti/Sheikh, I beg of you to please help us as this is really getting out of hand. Everytime my wife and I discuss this issue we say that we will change tomorrow but it never happens. We have tried to improve but it just never happens. Something feels like it is blocking us from happiness. We live with my Mum and Dad and they too hardly ever pray Salaah and they too have the same feeling of blockage. We hardly ever pray Quraan where we used to read quite a lot before. Previously, we hardly used to watch TV but now it

has become a norm. Our Sexual life has also taken a downward turn as we both cannot and do not feel what we used to feel before. We cannot fall pregnant since the miscarriage. My Mum and I will fight and shout at each other for silly stupid things. My Mum is having a problem with one of her cousins whom she owes money too. We are going to pay him and we have the money. But he keeps on making her life a misery and this too causes friction in the family as this is what my Mum talks about all the time. My Dad suffers from Bi Polar Disorder but sometimes he will cause silly and stupid fights in the family and say really silly and inappropriate things. We also eat a lot more than before. As a family we are always hungry and looking for things to eat. Our money comes in for the month and the next thing we know it is gone. We are always having money problems. Everything just seems to be spiralling out of control. Our lives are such a mess. I do not know what to do.

What could the problem be? I am so confused? I didn't want to believe that this could be Sihr or Jadoo or Jinns but could this be? Should I go to see someone who can take these evil things out of us? Please make me Maaf Respected Mufti/Sheikh for this long email and for bothering you, I am really sorry. I just want to improve myself and my family and need your valuable advice to guide me?

A : In diagnosing your situation, it appears you all have made your religious duties, Salah, Zikr etc. secondary to your worldly condition. If you experience favourable conditions, you execute your religious responsibilities properly. In adverse conditions, you failed to execute your religious obligations. The solution to your retrogression in Deeni obligations is to change your attitude. Give priority to religious obligations at all times. Do not make that subservient to worldly conditions. Consider the Hadith,

مَنْ كَانَتْ الدُّنْيَا هَمَّهُ فَزَقَّ اللَّهُ عَلَيْهِ أَمْرَهُ وَجَعَلَ فَقْرُهُ بَيْنَ عَيْنَيْهِ وَلَمْ يَأْتِهِ مِنَ الدُّنْيَا إِلَّا مَا كُتِبَ لَهُ وَمَنْ كَانَتْ
الْآخِرَةُ نِيَّتَهُ جَمَعَ اللَّهُ لَهُ أَمْرَهُ وَجَعَلَ غِنَاهُ فِي قَلْبِهِ وَأَتَتْهُ الدُّنْيَا وَهِيَ رَاغِمَةٌ

The Messenger of Allah (salallahu alayhi wasallam) said: “Whoever is focused only on this world, Allah will confound his affairs and make him fear poverty constantly, and he will not get anything of this world except that which has been decreed for him. Whoever is focused on the Hereafter, Allah will settle his affairs for him and make him feel content, and his provision and worldly gains will undoubtedly come to him.” (Ibn Majah 4105)

You also complain about not enjoying Ibadah. Remember enjoying Ibadah is praiseworthy but is not the purpose. We worship Allah because of Allah and His right to be worshipped. We do not worship Allah for self-enjoyment. Yes, enjoying Ibadah helps in executing the obligation. At times, Shaitan misleads us and we begin worshipping Allah for self-enjoyment. When that feeling is lost, we stop worshipping Allah. In that case, the critical question is to ask is who did we worship? Allah or our Nafs?

Our Ulama have stated that there is greater Ajr and reward in worshipping Allah when we feel a sense of despondency and narrowness in the heart, as now one is truly worshipping Allah Ta’ala.

Your feeling of being down and out is the same. Now is the time to pick up yourself and worship Allah for the sake of Allah, not yourself. Difficult and challenging situations are inevitably experienced by everyone at some point in life. These conditions are tests from Allah Ta’ala in order to elevate their status and increase their blessings.

Rasulullah Sallallahu Alahi Wa Sallam said,

أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا زَوْجَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَتْ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَا مِنْ مُصِيبَةٍ تُصِيبُ الْمُسْلِمَ إِلَّا كَفَّرَ اللَّهُ بِهَا عَنْهُ حَتَّى الشُّوْكَةِ يُشَاكُهَا (المسلم)

“There is no difficulty that happens to a Muslim except that Allah removes a sin because of it even if a thorn pricks him and even to that degree.” (Muslim (5640

It is of utmost importance that when we are faced with hardships, these tests and difficulties bring us closer to Allah and increase us in Ibadaat and refraining from wrong. By enduring these hardships and having Sabr (patience) and Itisāb (anticipating the reward from Allah) one's sins can be purified and luxurious positions be gained in Jannah.

Remember that discarding Salaah without any valid reason is a grave sin. Consider the following Ahadith:

سمعت جابرا يقول سمعت النبي صلى الله عليه وسلم يقول « إن بين الرجل وبين الشرك والكفر ترك الصلاة ».

It has been narrated on the authority of Jabir (Radhiyallahu Anhu) that he heard Nabi (Sallallahu Alaihi Wasallam) saying, “Discarding out Salaah leads one to kufr and shirk”. (Sahih Muslim)

عن عبد الله بن بريدة عن أبيه قال قال رسول الله صلى الله عليه وسلم « العهد الذي بيننا وبينهم الصلاة فمن تركها فقد كفر ».

It has been narrated on the authority of Buraidah (Radhiyallahu Anhu) that Nabi (Sallallahu Alaihi Wasallam) said, “The pledge between the infidels and us is Salaah, and whoever leaves it out has left the fold of Islam”. (Jami’ Al Tirmizi)

Our advice is to turn to Allah Ta'ala with full devotion and sincerity, for it is only through His help and Tawfeeq one is able to overcome difficulties. Supplicate to Allah and ask Him to make it easy for you to establish Salah in a manner that is most pleasing to Him, for surely, He answers the prayers of those who turn to Him. Allah Ta'ala says,

“And seek help through patience and prayer, and indeed, it is difficult except for the humbly submissive [to Allah]“ [2, 45].

Also ensure there is a Deeni environment in the house. It may be an idea to commence Taleem in your house. An appropriate book on the character of Rasululallah Sallallahu Alahi Wasallam and his Sunnahs be chosen to read daily for about five to ten minutes, in which all family members take part. This will bring Barakah and unity in the house.

NAWAFIL SALAAH

Q: I would like ask some questions about expanding my salat. For example, salats that aren't fard but are recommending to pray such as Salāt al-Dhuhā, Salatul Hajat, and how to pray them and what time to pray them. Also if there is any other salats like them can you tell me of them and the virtues of praying them?

A: It is pleasing to note that you wish to increase your Ma'mulaat (daily practices). May Allah Ta'ala keep you steadfast. You may include the following Nafil Salahs into your daily Ma'mulaat (practices):

1. Tahajjud Salaah: This is the most virtuous of all Nafl Salaahs .
Nabi (Sallallāhu Alaihi Wasallam) has mentioned,

“افضل الصلاة بعد الفريضة صلاة الليل”

Translation: “The best Salah after the compulsory (Fardh) Salahs is the night prayer”

“عليكم بقيام الليل، فانه دأب الصالحين قبلكم، وقرية الي ربكم ، ومكفرة للسيئات، ومنهاة عن الإثم” إترمذي
كتاب الدعاء }

Translation: “Hold fast to the night prayer, indeed it is the trait of the pious predecessors, it is a means of nearness to your Lord, and it is an expiation for sins and a barrier from sins.”

The most virtuous time to pray Tahajjud is the last portion of the night.

2. Ishraq: Nabi (Sallahu Alaihi Wasallam) has mentioned regarding Ishraq,

“من صلى الغداة في جماعة ثم قعد يذكر الله حتى تطلع الشمس، ثم صلى ركعتين كانت له كأجر حجة وعمره، قال: قال رسول الله صلى الله عليه وسلم: تامة تامة تامة”

Translation: “Whosoever performs the Morning Prayer (Fajr) with Jamā'ah then remains seated and makes Dhikr until sunrises then he performs two Rakahs he will gain reward similar to Haj and Umrah.”
Rasulullāh mentioned, “A complete (Haj and Umrah), complete, complete.”

قال: سمعت رسول الله صلى الله عليه وسلم يقول: ” يقول الله عز وجل: يا ابن آدم، لا تعجزني من أربع ركعات في أول نهارك، أكفك آخره“

Translation: I heard the Messenger of Allah (sallallahu alayhi wasalam) say: “Allah, the Exalted, says: Son of Adam, do not be fail Me in performing four Rakahs at the beginning of the day: I will supply what you need till the end of it.”

The time for performing Salah al-Ishraq commences approximately twenty minutes after sunrise when the sun is above the horizon approximately to the length of a spear and the sun becomes very bright so much so that it becomes difficult to directly look at with the naked eye and ends at mid-morning (halfway between sunrise and zenith approximately 9 am in South Africa). However, it is more virtuous to observe it immediately after its time sets in. (After sunrise, 12-15 minutes or cautiously 20 minutes)

The minimum Rakahs that can be performed for Ishraq are two and the maximum is four.

3. Salaat Al Dhuha: Nabi (Sallahu Alaihi Wasallam) has mentioned regarding Salaat al- Duha,

عن أبي هريرة رضي الله عنه قال: أوصاني خليلي صلى الله عليه وسلم بصيام ثلاثة أيام من كل شهر، وركعتي الضحى، وإن أوتر قبل أن أرقد.

Translation: Abu Hurairah (Radhiyallahu Anhu) has narrated, “My intimate friend (Nabi) Sallahu Alaihi Wasallam bequeathed to me that I fast three days every month, and that I pray the two Rakahs of Duha, and that I perform my Witr before I sleep”

The time for Salah al-Dhuha prayer (Chasht prayer) is after the time of Salah al-Ishraq, from mid-morning, until mid-day (Zawal). It is more virtuous to observe it after a quarter of the day has passed.

The minimum Rakahs for Salaah al Duha (Chasht) are two and the maximum is twelve.

4. Awwabeen: The six Rakahs after the Maghrib Salah is called the Salat al Awwabeen. It is mentioned in a Hadith,

”من صلى بعد المغرب ست ركعات لم يتكلم فيما بينهما بسوء عدلن له بعبادة ثنتي عشرة سنة“

Translation: “Whosoever performs six Rakahs after Maghrib, and he does not speak bad between them, they will be made equal to twelve years of worship” The minimum Rakahs of Salaat al-Awwabeen are six (including the Sunnah Muakkadah) and the maximum is twenty Rakahs.

5. Tahiyatul Masjid: This Nafil Salah is offered as respect and reverence for the masjid upon entering the Masjid. These two Rakahs can be read any time of the day except the Makrooh times.

Nabi (Sallallahu Alaihi Wasallam) has mentioned,

”إذا دخل أحدكم المسجد فليركع ركعتين قبل أن يجلس“

Translation: “When one of you enters the masjid, he should perform two Rakahs before he sits”

عن جابر بن عبد الله رضي الله عنهما، قال: ”أُتيت النبي صلى الله عليه وسلم وهو في المسجد فقال: صل ركعتين“

Translation: Jabir Ibn Abdullah (Radhiyallahu Anhumah) narrates, “I came to Nabi (Sallahu Alaihi Wasallam) while he was in the masjid. He then instructed me to perform two Rakahs (Due to entering the Masjid).

6. Tahiyatul Wudhu: It is Mustahabb to perform Tahiyatul Wudhu. This Nafl Salaah should be performed immediately after one performs Wudhu before the limbs dry.

Nabi (Sallahu Alaihi Wasallam) has mentioned,

عن أبي هريرة رضي الله عنه: أن النبي صلى الله عليه وسلم قال لبلال: «عند صلاة الفجر يا بلال حدثني بأرجى عمل عملته في الإسلام، فأني سمعت دف نعليك بين يدي في الجنة» قال: ما عملت عملاً أرجى عندي: أي لم أتطهر طهوراً، في ساعة ليل أو نهار، إلا صليت بذلك الطهور ما كتب لي أن أصلي”

Translation: Abu Hurairah (Radhiyallahu Anhu) narrates that Rasūlullah (Sallallahu Alaihi Wasallam) said to Bilal, He said to Bilal: “Oh Bilal, tell me the action that you performed during Islam that you have most hope in, because I heard your footsteps in front of me in Paradise.” He said: “I did not perform an action more hopeful to me than [the practice] that I do not perform purification in any moment of the evening or morning except I offer with that purification whatever is prescribed for me to pray.”

7. Salaat al-Tasbeeh: The importance of Salaat al- Tasbeeh can be realised from the following Hadith:

”إن استطعت أن تصلّيها في كل يوم مرة فافعل، فإن لم تفعل ففي كل جمعة مرة، فإن لم تفعل ففي كل شهر مرة، فإن لم تفعل ففي كل سنة مرة، فإن لم تفعل، ففي عمرك مرة.”

Translation: “If you have the ability to perform it once everyday, then do so. If you cannot do this, then perform it once every week. If you cannot do so then perform it once every month. If you are unable to do this then perform it once a year. If you cannot do this, then perform it once in your lifetime.”

The method of performing Salaat al-Tasbeeh is as follows:

Commence the Salah by making Niyyah of four Rakahs. After Thana one should recite the Tasbeeh “Subhanallahi Walhamdu Lillahi Wa laa Ilaha illallahu Wallahu Akbar” fifteen times. Then, after the Qira’ah before the Ruku’ recite the Tasbeeh ten times (this is twenty five so far). Thereafter, in the Ruku’ after Subhana Rabiyaal Azeem one should recite ten Tasbeehs. Then in Qawma recite ‘Rabana lakal Hamd’ and recite ten Tasbeehs. Then in Sajdah after ‘Subhana Rabiyaal A’ala’ recite ten Tasbeehs then in Jalsah recite ten Tasbeehs and in the second Sajdah recite ten Tasbeehs again. For each Rakah it should be seventy five Tasbeehs. In the second, third and forth Rakah recite the same fifteen before Surah fatiha and repeat the rest (Seventy five in each Rakah; total three hundred in all four Rakahs).

[Sahih Muslim, 2: 821, Hadith: 1163]

[Sunan Tirmizhi, 5: 444, Hadith: 3549]

The Ulema differ whether Salaat Al Ishraq and Salaat Al Duha both refer to one single Nafl or two independent Nafl prayers. The following scholars are of the opinion that they are two separate Nafl Prayers:

Imam Abu Hamid al-Ghazali
[Ihya Uloom al-Deen, 1: 227 Dar as-Salam]

Allamah Ala ud-Deen Ali Muttaqi Al Hindi has indicated that they are two separate Salahs by establishing two separate chapters for Salaat al-Ishraq and Salaat al-Duha in his famous book Kanzul Ummal.
[Kanzul Umaal]

Maulana Ashraf Ali Thanvi
[Imdad ul- Fatawa, 6: 198, Maktabah Darul Uloom Karachi]

Allamah Zafar Ahmad Uthmani has discussed in detail the difference of the two Salaahs in his book I’laa Us-Sunan.
[I’laa Us-Sunan, 7: 29-30, Idaratul Qura’an]

Mufti Mahmud ul Hassan Gangohi
[Fatawa Mahmudiyyah, 21: 463; 5: 334, Dar al-Iftaa Jamiah Faruqiyyah, Karachi]

Mufti Rashid Ahmad Ludyanwi
[Ahsan al-Fatwa, 3: 465, H. M. Saeed Company]

Many other great scholars have also accepted this opinion.

[Sunan Tirmizhi, 1: 727, Hadith: 586]

[Sunan Abi Dawud, 2: 27, Hadith: 1289]

عند طلوع الشمس إلى أن ترتفع الشمس وتبيض، قدر ربح أو معين

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 1: 371, H. M. Saeed Company; Mahmudiyyah, 5: 334, Dar al-Iftaa Jamiah Faruqiyyah, Karachi]

[Fatawa Rahimiyyah, 4: 82, Dar al-Isha'at, Karachi]

[Fatawa Mahmudiyyah, 21: 463; 5: 334, Dar al-Iftaa Jamiah Faruqiyyah, Karachi]

[Ahsan al-Fatwa, 3: 465, H. M. Saeed Company]

[Sahih Muslim, 1: 489, Hadith: 721]

قال في العلائق: وندب أربع هضاعات في الضمى على الصحيح من بعد الطلوع إلى الزوال ووهها لاختار بعد ربع النهار
[Radd al-Muhtar ala ad-Durr al-Mukhtar, 1: 639]

[Hashiya At Tahtawi Ala Maraqiy al Falah, 1: 538, Dar Al Quba]

[Ahsan al-Fatwa, 3: 467, H. M. Saeed Company]

[Ahsan al-Fatwa, 3: 465, H. M. Saeed Company]

حدثنا أبو كريب يعني محمد بن العلاء الهمداني الكوفي. قال: حدثنا زيد بن الحباب. قال: حدثنا عمر بن أبي خنعم، عن يحيى بن أبي كثير، عن أبي سلمة، عن أبي هريرة. قال: قال رسول الله صلى الله عليه وسلم: من صلى بعد المغرب ست ركعات لم يتكلم فيما بينهما يسوء عدلن له بعبادة ثلثي عشرة سنة. وقد روي عن عائشة، عن النبي صلى الله عليه وسلم قال: من صلى بعد المغرب عشرين ركعة بنى الله له بيتا في الجنة. حديث أبي هريرة حديث غريب، لا نعرفه إلا من حديث زيد بن الحباب، عن عمر بن أبي خنعم. وسمعت محمد بن إسماعيل يقول: عمر بن عبد الله بن أبي خنعم منكر الحديث وضعفه جدا.

[Sunan At Tirmizhi, 5: 559 Bashaar]

[Sunan Ibn Majah, 1: 369, Hadith: 1167]

[Fatawa Mahmudiyyah, 7: 206, Dar al-Iftaa Jamiah Faruqiyyah, Karachi]

[Ahsan al-Fatwa, 3: 465, H. M. Saeed Company]

[Sahih al-Bukhari, 1: 96, Hadith: 444]

[Sahih Muslim, 1: 494, Hadith: 714]

[Sahih al-Bukhari, 1: 96, Hadith: 443]

[Sahih Muslim, 1: 495, Hadith: 715]

إِذَا دَخَلَ أَحَدُكُمُ الْمَسْجِدَ فَلْيُصَلِّ رُكُوعَتَيْنِ قَبْلَ أَنْ يَجْلِسَ

[Sunan Ibn Majah, 1: 324, Hadith: 1013]

[Sahih al-Bukhari, 2: 53, Hadith: 1149]

[Sunan Abi Dawud, 2: 29 Hadith: 1297]

[Fatawa Mahmudiyyah, 7: 251, Dar al-Iftaa Jamiah Faruqiyyah, Karachi]

SAJDH TILAWAH FOR RECORDING

Q: 1) If we are listening to recording of Quran over the FM, CD, Cell phone etc. and if sajda ayah comes, do we have to perform sajda? 2) In another scenario if we are listening to someone live over FM, not a recording, and then if sajda ayah comes, do we have to perform sajda tilawah?

A: 1) Sajdah Tilawah will not be performed when listening to an Ayah being recited in a recording. 2) Sajdah Tilawah will be performed when listening to a live recitation via FM, satellite, etc.

Ahsan ul Fatawa vol.4 pg.65, HM Saeed

و لا تجب بسماعها من الصدى و هو ما يجهيك مثل صوتك في الجبال و الصحارى ونحوها (مراقي الفلاح مع الطحطاوي ج-٢ ص-٢٩٠، دار قباء)
Fatawa Darul Uloom Zakariyya vol.2 pg.478, ZamZam

STUDENT THESIS

RULINGS RELATING TO THE DAY OF EID

**VIRTUES* EID PRAYER & KHUTBAH * TAKBIR AL TASHRIQ
* SADAQATUL FITR* SUNNATS**

BY: NABEEL VALLI - SECOND YEAR IFTAA STUDENT

INTRODUCTION:

Islam, being a complete way of life, has laid out a very balanced approach with regards to our day to day life. Just as it has guided us on matters relating to belief and worship, that form the core of religion, it has also stipulated days of celebration and merriment for us. However, since Islam aims at keeping every individual focussed towards its values, it has given guidelines and instructions to that are to be followed on these days of celebration as well. This makes Islam stand out amongst the other faiths; a day of celebration too becomes a form of worship!

THE MEANING OF EID:

The word 'Eid (عيد) is derived from the word عود (to return) since the day of Eid returns with joy, happiness, and enjoyment every year. In Islam, the concept of celebration is based on a religious achievement. Eid al-Fitr is celebrated as we accomplish fasting in Ramadhan and attain a degree of closeness to Allah. Eid al-Ad'ha is celebrated in remembrance of the great sacrifice offered by Prophet Ibrahim (peace be upon him) to sacrifice his son Prophet Isma'eel (peace be upon him) in submitting to the orders of Allah. The day of Eid is meant to instil in us this type of submission to Allah and His orders. Thus we should take this perfect opportunity of Eid to make a firm resolution to suppress our Nafs and submit to Allah.

INTRODUCTION TO EID PRAYER AND KHUTBAH:

The Eid Salah is Wajib on those whom Jumu'ah Salah is Wajib. The Khutbah of Eid differs from the Khutbah of Jumu'ah in two ways: Firstly, the Jumu'ah Khutbah is a condition for the validity of Jumu'ah prayer whereas the Khutbah of Eid Salaah is Sunnah and it is not a condition for the validity of Eid Salah. Secondly, the Jumu'ah Khutbah will be delivered prior to the Salaah while the Khutbah of Eid salaah will be delivered after the Salaah. Eid Salah is Wajib and the Khutbah is Sunnah.

SUNNATS AND MUSTAHAB (DESIRABLE) ACTS OF EID:

1. To wake up early and engage in worship (Tahajjud)
2. It is Sunnah to eat something sweet (preferably, dates) before proceeding for Eid al-Fitr Salah. It is Sunnah not to eat before Eid al-Ad`ha Salah and it is desirable to eat from the meat of the animals slaughtered before consuming anything else on Eid al-Ad`ha . However, if one eats before Eid al-Ad`ha Salah, it is permissible
3. To perform Ghusl (bath). The Ghusl should preferably be performed between sunrise and the Eid prayer
4. To apply fragrance
5. To brush the teeth using Miswak
6. To wear best clothes [or new clothes]
7. To give Sadaqah Fitr on Eid al-Fitr (before proceeding for the prayer)
8. To walk to the place of prayer if possible
9. To go to the place of prayer as early as possible and gain the reward of observing the prayer in the first row
10. To go to the place of prayer via one route and to return via another route
11. To express happiness by displaying obedience and gratitude to Allah

12. To smile at meeting a fellow believer

13. Offer charity

14. It is Sunnah Muakkadah for the place of Eid Salah to be in an (Eid Gah) plain field

15. To continuously read the Takbir at-Tashriq from home till the commencement of the actual Eid Salah

16. It is Sunnah to continuously read the Takbir quietly whilst going to the place of Salah (Eid Gah) on the day of Eid al-Fitr and to read it audibly on the day of Eid al-Ad`ha .

Allah says:

ولتكمّلوا العِدّة ولتكبّروا الله على ما هدّاكم

Translation: And complete the time and glorify Allah as He has guided you

ويذكّروا اسم الله في أيام معلّومات

Translation: And they take the name of Allah within known days

THE EID SALAH:

The Eid Salah consists of two rak`ats of congregational prayer without any Adhan or Iqamah . The Salah will be performed in the same method as an ordinary prayer but with the addition of six extra Takbirs, and raising the hands with every extra Takbir .

The Eid Salah of al-Fitr and al-Ad`ha will be performed in exactly the same manner .The time for Eid Salah is after sunrise to mid-day .

It is desirable to hasten the Salah of Eid al-Ad`ha and to delay the Salah of Eid al-Fitr.

THE METHOD OF EID SALAH:

All those observing the Salah should make the niyyah of performing the Eid Salah which is Wajib behind the Imam. The Imam will say the first Takbir Tahrim[a] while lifting his hands and folding them. The followers will also say Allahu Akbar, raise their hands, then fold them below the navel and read Thana (praise of Allah)

The Imam and the followers will thereafter say three extra Takbirs, raising their hands with every Takbir and leaving them to the sides without folding them. There is nothing to be recited between the extra Takbirs. However, after the third extra Takbir, the Imam and followers will now tie the hands below the navel .

The Imam will then recite اعوذ بالله من الشيطان الرجيم, Surah al-Fatihah and any Surah, preferably, سُبْحَ اسم ربك الأعلى, and complete the rak`at as done in an ordinary Salaah. As the Imam stands up for the second rak`ah, he will recite Surah al-Fatiha followed by any other Surah, preferably, هل اذاك حديث الغاشية. The Imam will then recite the three extra Takbirs and the congregation will do the same.

When the Imam will say the Takbir the fourth time, the Imam will go into Ruku` and complete the Salaah as usual.

What if I come late for the Eid prayer?

If the Imam is reciting Surah al-Fatihah or another Surah in the first rak`at of Salah and a follower comes late and has missed the extra Takbirs, he should say the first Takbir Tahrima[a] and then the three extra Takbirs while the Imam is reciting and then follow the Imam as usual. If the follower joins the Imam in Ruku, he should say the extra Takbirs and then go down into Ruku` . However, if he fears missing

the rak`ah if he stays standing to say the extra Takbirs, he should go immediately into Ruku and recite the extra Takbirs in Ruku without raising the hands.

If the follower misses the first rak`ah of the Eid prayer, he should stand up after the salam of the Imam and read the Thana, Ta`awwuz, Tasmiyah, Surah al-Fatihah, another surah, and thereafter say the three additional Takbirs before going into Ruku and thereafter complete the Salaah as normal. If the follower reaches the congregation when the second rak`at has also been completed, he should join the Imam and stand up after the salam and observe the Eid prayer as normal.

DUA AFTER EID PRAYER:

It is permissible to make Dua after Eid Salah.

THE KUTBAH:

The Khatib will then deliver two Khutbahs. The Khatib should commence with the Takbir in the Khutbah of both Eids.

It is Sunnah to begin the first Kutbah with nine continuous Takbirs and the second Khutbah with seven Takbirs likewise.

The Khatib should address issues pertaining to Sadaqah al-Fitr on Eid al-Fitr and issues pertaining to al-Ad`ha, al-Ud`hiyah and Takbir at-Tashriq on Eid al-Ad`ha.

THE MEANING OF THE TAKBĪRĀT OF TASHRĪQ:

Takbīr means 'to proclaim the greatness of Allāh'.

Tashrīq literally means 'to cut and dry strips of meat in the sun'. It was the practice of the Arabs to preserve the Qurbānī meat by drying it in Minā in the days following Eid-ul-Adh`ha.

TAKBIR AT-TASHRIQ IN DETAIL

WORDS OF THE TAKBĪR:

The words of the Takbīr are:

اَللّٰهُ اَكْبَرُ اَللّٰهُ اَكْبَرُ، لَا اِلٰهَ اِلَّا اللّٰهُ وَاللّٰهُ اَكْبَرُ، اَللّٰهُ اَكْبَرُ وَلِلّٰهِ الْحَمْدُ

Transliteration: ‘Allāhu Akbar Allāhu Akbar, Lā Ilāha Illallāhu
Wallāhu Akbar Allāhu Akbar Wa Lillāhi-al-Hamd.’

STATUS AND TIME OF THE TAKBĪR:

It is Wājib (necessary) to recite the Takbīr once immediately after the Fardh Salāh beginning with the Fajr Salāh on the ninth of Dhu-ul-Hijjah and ending with the Asr Salāh on the 12th of Dhu-ul-Hijjah, spanning over a total of 23 Salāhs.

UPON WHOM IS TAKBĪR WĀJIB?

Takbīr is Wājib upon every individual who performs the Fardh Salāh, whether it be with Jamā’ah (congregationally) or individually. It is also Wājib upon women and travelers.

THE TONE OF THE TAKBĪR:

The Takbīr should be recited by males in a loud voice. Females should recite softly.

IF THE IMĀM DOES NOT RECITE THE TAKBĪR:

The Takbīr is equally Wājib on the Imām and the Muqtadī. If the Imām does not recite the Takbīr, then the Muqtadīs should start reciting it. It is not necessary to wait for the Imām to start reciting. If the Imām walks away after the Salāh without reciting it, then too the Muqtadīs should recite it.

IF ONE FORGETS TO RECITE THE TAKBĪR:

If the Imām or Muqtadi forget to recite the Takbīr, then there are two scenarios to this:

1. After terminating Salāh, if one has not conversed with anyone nor has he left the Masjid and he remembers that he has not recited the Takbīr, then he may recite the Takbīr.

2. If he has conversed with somebody, or has left the Masjid, then he may not recite the Takbīr upon remembering.

Note: The time for the Takbīr is immediately after the Fardh Salāh.

Any other action or deed after the Fardh Salāh will result in the expiry of the time of Takbīr.

TAKBĪR OF A MASBŪQ:

If one misses a Rakʿat or more behind the Imām (i.e. he is a Masbūq), then he will recite the Takbīr upon completion of his missed Rakʿāt.

If he mistakenly happens to recite it with the Imām, then his Salāh will not be invalidated. He should complete it as normal and thereafter recite the Takbīr again.

IS THERE QADHĀ OF THE TAKBĪR?

If one performs Salāh and does not recite the Takbīr, then there is no Qadhā for him except in the abovementioned scenario. However, if one misses the entire Salāh and later makes Qadhā of it, there are four scenarios to this:

1. If one misses any Salāh of the days of Tashrīq and makes Qadhā of it within the days of Tashrīq, then he shall recite the Takbīr after the Salāh.

2. If one makes Qadhā of such a Salāh after the days of Tashrīq, then he shall not recite the Takbīr.

3.If one makes Qadhā of such a Salāh in the days of Tashrīq the following year, then too he shall not recite the Takbīr.

4.If one misses a Salāh outside the days of Tashrīq and decides to make Qadhā in the days of Tashrīq, then he shall not recite the Takbīr.

WHEN WILL A HĀJĪ RECITE THE TAKBĪR?

A Hājī shall first recite the Takbīr-e-Tashrīq after Salāh and thereafter recite the Talbiyah. If he recites the Talbiyah first, then he may not recite the Takbīr thereafter.

ON THE WAY TO THE MUSALLĀ (EID GĀH):

It is Sunnah to recite the Takbīr audibly on the way to the Musallā (Eid Gāh) on Eid-ul-Adh'hā. One may recite Takbīr till the commencement of the Eid Salāh. However, it is preferable to stop once the lecture (Bayān) commences and listen attentively to it. As for Eid-ul-Fitr, it is preferable to recite Takbīr in a soft tone.

NO TAKBĪR AFTER EID SALĀH:

Takbīr is Wājib only after the Fardh Salāhs. It should not be recited after the Eid Salāh as it is a Wājib Salāh. However, if there is a general practice of reciting the Takbīr after Eid Salāh in a certain area, then there is nothing wrong in doing so.

TAKBĪR IN THE KHUTBAH:

It is Sunnah to begin the first Kutbah with nine Takbīrs, the second Khutbah with seven Takbīrs and terminate the second Khutbah with fourteen Takbīrs.

Translation: Allah is the Greatest. Allah is the Greatest. There is no deity worthy of worship but Him. Allah is the Greatest. Allah is the Greatest. And for Allah is all praises.

EXTRA RULINGS PERTAINING TO EID PRAYER:

The prayer of Eid cannot be observed under any circumstance after midday. There is no Qadha (make-up prayer) for an individual who misses the Eid prayer with the Imam, but it is better for him to pray four rak'ats of voluntary prayer individually like Salah ad-Duha (Chasht). If for some reason all the people are unable to observe the Eid prayer on the day of Eid, they may observe the Eid Salah on the next day only for Eid al-Fitr. However, as for the prayer of Eid al-Ad' ha, the congregation can be held up to the third day only .

The time for Eid Salah commences after sunrise. It is Makrooh Tahrimi (highly disliked) to observe any voluntary Salah including Ishraq Salah before the Eid Salah at home or at the Eid Gah .

EXTENDING EID GREETINGS ON EID DAY:

To extend greetings on both the Eids is permissible as long as it is not regarded as necessary . However it is advisable to greet with the following words :

تقبل الله منا ومنكم

Transliteration: Taqabbalallahu minna wa minkum

Translation: May Allah accept from us and you

It is an innovation to handshake and embrace each other after the Eid Salah and Khutbah if one regards it to be necessary.

LAWS OF SADAQATUL FITR

UPON WHOM IS SADAQATUL FITR WAJIB?

Sadaqatul fitr is wajib on the following persons:

1. A person upon whom zakaat is Wajib (i.e. to possess assets of a productive nature equivalent to the value of 612.36g of silver).
2. A person upon whom zakaat is not wajib but he/she has wealth equivalent to the nisaab of zakaat over and above his basic needs.
Note: This is irrespective of whether the wealth is for the purposes of trade or not and irrespective of whether he has had it in his possession for a full year or not. However, if all his belongings are part of his basic needs, Sadaqatul Fitr will not be Wajib, no matter how valuable they are.
3. A minor and a mentally disturbed person who have wealth equivalent to nisaab. The father/guardian should discharge the minor's or mentally disturbed person's Sadaqatul Fitr from their respective wealth. The father/guardian may also discharge it on behalf of them from his own wealth. If the Sadaqatul Fitr has not been discharged, the minor will have to discharge it upon reaching puberty.
4. A person upon whom Sadaqatul Fitr is Wajib is also obliged to discharge it on behalf of his minor children who are not wealthy, children who are mentally disturbed and his slaves.
Note: A husband is not responsible for discharging Sadaqatul Fitr on behalf of his wife or his adult children. However, it is permissible for him to discharge it of his own will on behalf them.

AMOUNT OF SADAQATUL FITR:

One may give any of the following in Sadaqatul Fitr:

- ½ Saa' (1.75kg) of wheat
- 1 Saa' (3.5kg) of barley
- 1 Saa' (3.5kg) of dates
- 1 Saa' (3.5kg) raisins
- Alternatively, one may give the value of the said amount of wheat in cash. It is best to give cash so that the poor may purchase whatever they need with the money.
- It is also permissible to give any groceries or foodstuffs equivalent to the value of wheat mentioned above. For example, one may give rice, etc.

WHEN DOES IT BECOME WAJIB AND WHEN SHOULD IT BE DISCHARGED?

Sadaqatul fitr becomes wajib at the time of fajr on the day of 'Eid ul-fitr. If a person passes away before dawn on 'Eid day, sadaqatul fitr will not be wajib on him nor will it be given from his wealth. Similarly, it will not be Wajib for a child born after dawn on the day of 'Eid. The Sadaqah has to be discharged on or before the day of 'Eid-ul-Fitr. Hence, one may also discharge it in Ramadhān.

THE BEST TIME FOR DISCHARGING IT:

It is best to give the sadaqatul fitr before going to the 'Eid-Gāh. If it has not been discharged as yet, there will be no harm in discharging it after the 'Eid Salaah.

WHOM SHOULD IT BE GIVEN TO?

Sadaqatul Fitr should be given to those who are eligible of receiving Zakaat. Currently, only the poor, needy, debtor, the mujahideen and the needy travellers are eligible of receiving Zakaat and Sadaqatul Fitr funds.

WHAT IF I FAIL TO DISCHARGE MY SADAQATUL FITR?

If a person fails to discharge his sadaqatul fitr on or before the day of 'Eid, he will not be absolved from this obligation. He will have to fulfil it at some other time.

WHAT IF I DID NOT FAST IN RAMADAAN?

Sadaqatul Fitr is equally Wajib on those who fast in Ramadaan and those who do not fast, whether it be due to a Shar'ī excuse or any other reason.

GIVING MULTIPLE SADAQATUL FITR TO ONE PERSON:

It is permissible to give the Sadaqatul of multiple people to one poor person. Similarly, it is also permissible to divide one Sadaqatul Fitr amongst several poor people.



ARABIC BOOKS BIBLIOGRAPY

1. Al-Asl, 1: 318-28, Imam Muhammad bin al-Hasan as-Shaybani, Dar Ibn Hazam, Beirut
2. Al-Bahr ar-Ra'iq Sharh Kanz ad-Daqa'iq, 2: 157-66, Zayn ad-Din Ibn Nujaym, H. M. Saeed Company
3. Al- Fatawa al-Amalgiriyyah (al-Hindiyyah), 1: 149-52, Maulana as-Shaykh Nizam and a group of scholars from Hind, Maktabah Rashidiyyah
4. Al-Inayah Sharh al-Hidayah, 1:456-66, Akmal ad-Din Muhammad bin Muhammad bin Mahmood al-Babarti, Dar al-Kutub al-Ilmiyyah, Beirut
5. Al-Lubab fi Sharh al-Kitab, 2: 261-70, Abd al-Gani al-Gunaymi al-Maydani ad-Damashqi, Dar al-Basha'ir al-Islamiyyah
6. An-Nutaf fi al-Fatawa, p. 65-8, Abu al-Hasan Ali As-Sughdi, Dar al-Kutub al-Ilmiyyah
7. Fatawa Qadhi Khan, 1: 162-5, Fakhr al-Din Abu al-Mahasin al-Hasan bin Mansur (also known as) Qadhi Khan al-Awzjandi al-Farghani, Qadimi Kutub Khana, Karachi
8. Fat'h al-Qadir ma'a Kifayah Sharh al-Hidayah, 2: 68-82, Kamal ad-Din Muhammad bin Abd al-Wahid Maktabah Rashidiyyah]
9. Guniyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabiy Sagir), p.329-33 , Shaykh Ibrahim bin Muhammad bin Ibrahim al-Halabiy, Dar an-Nashar al-Ilmiyyah
10. I'laa as-Sunan, 8: 102-126, Maulana Zafar Ahmad al-Uthmani, Idarah al-Qur'an wa al-Uloom al-Islamiyyah, Karachi
11. Maraqiy al-Falah Sharh Nur al-Idhah, p.129-33, as-Sahykh Hasan bin Ammar bin Ali As-Shuruhbulali, Maktabah Imdadiyyah, Multan
12. Radd al-Muhtar ala ad-Durr al-Mukhtar, 1: 165-81, Muhammad Amin (also known as) Ibn Abidin as-Shami, H. M. Saeed Company
13. Sharh Mukhtasar at-Tahawi, 2: 149-67, Imam Abu Bakr Ar-Razi al-Jassas, Dar al-Basha'ir al-Islamiyah & Dar as-Siraj
14. Tabyin al-Haqa'iq Sharh Kanz ad-Dqa'iq, 1: 223-8, Fakhr ad-Din Uthman bin Ali az-Zayla'I, Maktabah Imdadiyyah, Multan

URDU BOOKS BIBLIOGRAPHY

15. Fatwa Dar al-Uloom Zakariyah, 2: 570-96, Mufti Radha al-Haq, Zamzam Publishers
16. Fatawa Mahmoodiyah, 8: 367-475, Mufti Mahmood Hasan Gangohi, Dar al-Iftaa Jamiah Farooqiyah
17. Fatawa Rahimiyah, 6: 150-87, Mufti Abdur Rahim Lajpuri, Dar al-Isha'at Karachi
18. Imdad al-Fatawa, 1: 473-560, Maulana Ashraf Ali Tanwi, Maktabah Dar al-Uloom Karachi
19. Imdad al-Ahkam, 1: 724-804, Maulana Zafar Ahmad Uthmani, Maktabah Dar al-Uloom Karachi
20. Ahsan al-Fatawa, 4: 121-190, Mufti Rashid Ahmad, H. M. Saeed Company

معجم المصطلحات والألفاظ الفقهية (955/2) [دار الفضية]
العید: أصله من عود المسرة ورجوعها

[Al-Bahr ar-Ra'iq Sharh Kanz ad-Daqa'iq, 2: 157; Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 166]

وتجب صلاة العید علی کل من تجب علیه صلاة الجمعة

[Al-Hidayah ma'a al-Inayah, p. 456, Dar al-Kutub al-Ilmiyyah, Beirut]

[al-Fatawa al-Alamigiriyah, 1: 150, Maktabah Rashidiyyah]

[Al-Bahr ar-Ra'iq Sharh Kanz ad-Daqa'iq, 2: 157, H. M. Saeed Company]

[al-Durr al-Mukhtar ma'a Radd al-Muhtar, 2: 166, H. M. Saeed Company]

[Fatawa Qadhi Khan, 1: 162]

هو الصحيح من المذهب

[Gunyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabiy Sagir), p.329]

Note: Thus, the Eid prayer is not Wajib on women.

الخطبة فإنها ليست بشرط لها بل هي سنة بعدها

[Gunyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabiy Sagir), p.329]

[Al-Inayah Sharh al-Hidayah, 1:462]

وهي واجبة في الأصح، كما في (الغانية) و (الهداية) و (البدائع) و (المحيط) و (المختار) و (الكافي) و (النسفي) وفي (الخلاصة): وهو المختار؛ لأنه صلى الله عليه وسلم
واظب عليها وسماها في (الجامع): سنة؛ لأن وجوبها ثبت بالسنة. اهـ

[Al-Lubab fi Sharh al-Kitab, 2: 261, Dar al-Basha'ir al-Islamiyyah]

وفي المجتبى الأصح أنها سنة مؤكدة ... حتى لو لم يخطب أصلاً صح وأساء لترك السنة ولو قدمها على الصلاة صحت وأساء ولا تعاد الصلاة

[Al-Bahr ar-Ra'iq Sharh Kanz ad-Daqa'iq, 2: 158, H. M. Saeed Company]

[Al-Fatawa al-Alamigiriyah, 1: 150, Maktabah Rashidiyyah]

Most of the books use the word 'Mustahab', however:

وسنّاه مستحباً لثقتنا السنة على المستحب وعد سائر للمستحبات المذكورة هنا في بعض الكتب سنة
[Al-Bahr ar-Ra'iq Sharh Kanz ad-Daqa'iq, 2: 158]

وندب في الفطر ثلاثة عشر شيئاً: أن يأكل وأن يكون للأكل، تمراً ووتراً ويغتسل ويستاك، ويتطيب، ويلبس أحسن ثيابه ويؤدي صدقة الفطر إن وجبت عليه ويظهر الفرح والبشاشة وكثرة الصدقة حسب طاقته والتبكير وهو سرعة الانتباه والابتكار وهو للمسارعة إلى المصلي وصلاة الصبح في مسجد حبه ثم يتوجه إلى المصلي ماشياً مكبراً سرّاً ويقطعه إذا انتهى إلى المصلي في رواية وفي رواية أخرى إذا افتتح الصلاة ويرجع من طريق آخر،
[Nur al-Idhah ma'a Maraqqiy al-Falah, p.129-30, Maktabah Imdadiyah, Multan]

ويظهر الفرح بطاعة الله وشكر نعمته ويتختم، ويظهر البشاشة في وجهه من ليلته من كثرة الصدقة النافلة حسب طاقته زيادة عن عادته والتبكير وهو سرعة الانتباه أول الوقت أو قبله لئلا يذاه العباد بنشاط والابتكار وهو للمسارعة إلى المصلي لئلا يفصله الصف الأول
[Maraqqiy al-Falah Sharh Nur al-Idhah, p.130; [Al-Fatawa al-Alamgiriyyah, 1: 149]

Gunyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabiyy Sagir), p.330

فإن للمستحب عندهم أن لا يطعم حتى يرجع من المصلي، لما روي عن النبي صلى الله عليه وسلم فيه
[Sharh Mukhtasar at-Tahawi, 2: 151, Dar al-Basha'ir al-Islamiyyah & Dar as-Siraj]

يؤخر الأكل في الأضحية عن الصلاة حتى يفرغ من الصلاة، وإن لم يضع في الأصل
[Al-Lubab fi Sharh al-Kitab, 2: 267-8]

في الأضحية يؤخر الأكل عن الصلاة استعمالاً فإن قدمه لا يكره في المختار
[Maraqqiy al-Falah Sharh Nur al-Idhah, p.132, Maktabah Imdadiyah, Multan]

ويوم الأضحية يؤخر الأكل إلى ما بعد الصلاة، وقيل هذا في حق من يضحي لا في حق غيره والأول أصح
[Gunyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabiyy Sagir), p.330]

والثاني صلاة الأضحية وحكمها في الشرائط والتكبيرات مثل صلاة الفطر وهي تفضل على صلاة الفطر بأربعة أشياء
أحدها بالقربان والثاني بالتكبيرات في أيام التشريق والثالث بأن يجعل بها والرابع بأن لا يأكل منها حتى يصلي بها
[An-Nutaf fi al-Fatawa, p.67, Dar al-Kutub al-Ilmiyyah]

عن عبد الله بن بريدة عن أبيه قال: كان رسول الله صلى الله عليه وسلم لا يفرغ يوم الفطر حتى يطعم، ولا يأكل يوم الأضحية حتى يرجع، فيأكل من أضحيته
[Sunan at-Tirmidhi, 542; Mustadrak al-Hakim, 1:294]

یہ حکم صرف قربانی کرنے والے کے لیے نہیں ہے سب کے لیے ہے مستحب یہ ہے کہ روزہ دار کی طرح رہیں اور عید الاضحی کی نماز کے بعد کھائیں پیں اور اگر اپنے گھر قربانی ہے تو اپنی قربانی سے کھائے، بلا عذر نماز سے پہلے کھانا مکروہ ہے کبیری میں ہے
[Fatawa Rahimiyyah, 6: 167, Dar al-Isha'at]

ويستحب أن يكون أول تناولهم من لحوم الأضاحي التي هي ضيافة الله كذا في العيني شرح الهداية
[Al-Fatawa al-Alamgiriyyah, 1: 150, Maktabah Rashidiyyah]

ويُفعل يوم النحر كذلك، إلا أنه إن شاء طعم، وإن شاء لم يطعم
[Sharh Mukhtasar at-Tahawi, 2: 151]

والأصح أنه لا يكره الأكل قبل الصلاة منا ولا تركه هناك
[Gunyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabiyy Sagir), p.330]
[Al-Lubab fi Sharh al-Kitab, 2: 268; Al-Fatawa al-Alamgiriyyah, 1: 149, Maktabah Rashidiyyah]
At most it is Makrooh Tanzihi as stated by [Fatawa Rahimiyyah, 6: 176]

See [Tabyin al-Haqa`iq, 1: 71-2; 1: 17] for a difference of opinion whether the Ghushl is for the day, as according to Hasan, or for the Eid prayer, as according to Abu Yusuf. However a person could adopt the reconciliation between the two views presented below and in [Ma la Budda Minhu] and bath after the sun has risen and before the Eid prayer.

وليسدي عبد الغني النابلسي هنا بحث نفيس ذكره في شرح هداية ابن العماد. حاصله أنهم صرعوا بأن هذه الاستنساات الأربعة للنظافة لا للطهارة مع أنه لو تخلل الحدث زرداد النظافة بالوضوء ثانياً، ولأن كانت للطهارة أيضاً فهي حاصلة بالوضوء ثانياً مع بقائه النظافة للأولى عندئذ الإجزاء وإن تخلل الحدث؛ لأن مقتضى الأحاديث الواردة في ذلك طلب حصول النظافة فقط. اهـ أقول: ويؤيده طلب التكرير للصلاة، وهو في الساعة الأولى أفضل وهي إلى طلوع الشمس، فربما يعصر مع ذلك بقاءه الوضوء إلى وقت الصلاة ولا سيما في أطول الأيام، وإعادة الغسل أعسر - لوما جعل عليكم في الدين من حرج؛ [الحجج: 87]- وربما أدله ذلك إلى أن يصلي حافوا وهو حرام، ويؤيده أيضاً ما في للعراج: لو اغتسل يوم الخميس أو ليلة الجمعة استن بالسنّة لاصول المقصود وهو قطع الرائحة اهـ.

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 1: 169]

[Tabyeen al-Haqa`iq, 1: 71-2, Dar al-Kutub al-Ilmiyyah Beirut]

This reconciliation is preferred by: [Also Ahsan al-Fatawa, 4: 151, H. M. Saeed Company; Fatawa Mahmoodiyah, 8: 470]

أن ليس ثوبين جديدين أو غسائين

[An-Nutaf fi al-Fatawa, p.66, Dar al-Kutub al-Ilmiyyah; Fatawa Mahmoodiyah, 8: 475]

وليس أحسن ثيابه كذا في القنية جديداً كان أو غسلاً كذا في محيط السرخسي

[Al-Fatawa al-Alamgiriyyah, 1: 149, Maktabah Rashidiyyah]

ويستحب أداء صدقة الفطر قبل الصلاة في الفطر

[Gunyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabiy Sagir), p.330]

عن ابن عمر رضي الله عنه: أن رسول الله صلى الله عليه وسلم أمر بركة الفطر أن تؤدى قبل خروج الناس إلى الصلاة

[Saheeh al-Bukhari, 1438; Saheeh Muslim, 986]

أحدها قبل دخول يوم العيد وهو جائز ثانياً يومه قبل الخروج وهو مستحب ولأن المستحب أن يأكل قبل الخروج إلى الصلاة فيقدم للفقير ليأكل قبلها

[Al-Bahr ar-Ra`iq Sharh Kanz ad-Daqa`iq, 2: 158-9]

[These seven have been mentioned by: Al-Lubab fi Sharh al-Kitab, 2: 262; Sharh Mukhtasar at-Tahawi, 2: 149; Al-Hidayah Sharh al-Inayah, 1: 457; Gunyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabiy Sagir), p.330; Kanz ad-Daqa`iq ma`a al-Bahr al-Ra`iq, 2: 158-9, H. M. Saeed Company]

ويستحب التوجه إلى المصلى ماشياً إن قدر ولا يكره الركوب وكذا في الجمعة

[Gunyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabiy Sagir), p.330; [Al-Fatawa al-Alamgiriyyah, 1: 149, Maktabah Rashidiyyah]

ويستحب الرجوع في طريق غير طريق الذهاب تكثيراً للشهود

[Gunyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabiy Sagir), p.330; An-Nutaf fi al-Fatawa, p.66;

Fat`h al-Qadir Sharh al-Hidayah, 1: 71; Tabyin al-Haqa`iq Sharh Kanz ad-Daqa`iq, 1: 225]

(قوله: والتفتت) ظاهره ولو لغير أمير وقاض ومفت. وما في كتاب الحظر من قصره على نحو هؤلاء معصوم على الدوام ويدل له ما في النهر عن الدراية أن من كان لا يتختم من الصحابة كان يتختم يوم العيد، وهذا أول مما في القهستاني حيث غصه بذي سلطان.

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 169]

ويظهر الفرع بطلاة الله وشكر نعمته ويتختم

[Maraqiy al-Falah Sharh Nur al-Idhah, p.130; Al-Fatawa al-Alamgiriyyah, 1: 149]

[Ahsan al-Fatawa, 4: 129]

الخروج إلى المصلى وهو الجبابة شنة وإن كان يسعهم الجامع وعليه عامة المشايخ

[Gunya al-Mutamalli ala Sharh Munyat al-Musalli (Halabiy Sagir), p.331]
[Al-Fatawa al-Alamgiriyyah, 1: 150, Fat'h al-Qadir Sharh al-Hidayah, 2: 69, Maktabah Rashidiyyah]

ثم غروجه ماشيا إلى الجبلية وهي للمصلى العام: أي في الصحراء والخروج إليها وإلى الجبلية لصلاة العيد سنة وأن يسعهم المسجد الجامع هو الصحيح
[Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 168; H. M. Saeed Company]
Also see: [T'laa as-Sunan, 8: 112, Idarah al-Qur'an, Karachi]

(جبلية سے) مکانات و آبادی سے باہر ہونا مراد ہے
[Imdad al-Ahkam, 1: 770, Dar al-Uloom Karachi]

Note: Unfortunately it is a neglected Sunnah in some places:

لو صلی العید فی الجامع ولم یتوجّہ إلى المصلی فقد ترک السنة
[Al-Bahr ar-Ra'iq, 2: 159, H. M. Saeed Company]
[Hashiyat at-Tahtawi ala ad-Durr al-Mukhtar, 1: 352, Dar al-Ma'rifah]
[Fatawa Mahmoodiyah, 8: 413-6, Dar al-Iftaa Jamiah Farooqiyyah]

نماز عیدین کا عیدگاہ میں پڑھنا سنت ہے، بلا وجہ اس سنت کا چھوڑنا برا ہے
[Imdad al-Ahkam, 1: 732, Maktabah Dar al-Uloom Karachi]

بلا عذر اس کا نازک لائق ملامت اور مستحق عتاب ہے اور ترک کرنے کا عادی گنہگار ہوتا ہے
مکروہ تحریمی کے ارتکاب سے آدمی گنہگار ہوتا ہے جس طرح ترک واجب سے گنہگار ہوتا ہے اور سنت مؤکدہ کا بھی حکم ہے
[Fatawa Rahimiyyah, 6: 185]

ولہذا کان الصّبح أنہ یأثم بترك السنة المؤکدة کالواجب
[Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 166]

و یأثم بارتکابه کما یأثم بترك الواجب، ومثله السنة المؤکدة
[Ad-Durr al-Mukhtar ma'a Radd al-Muhtar, 6: 337]

See: [Fatawa Dar al-Uloom Zakariyyah, 2: 570-4, Zamzam Publishers] for the evidences from Hadith and statements of Ulama of Deoband on the Sunnah of observing the Eid prayer in an open field, park or even stadiums.

ويقطعہ أي التکبیر إذا انتهى إلى المصلی فی رواية جزم بها فی الدراية وفي رواية إذا افتتح الصلاة کذا فی الکافی وعليه عمل الناس قال أبو جعفر وبه تأخذ
[Maraqiy al-Falah Sharh Nur al-Idhah, p.130]

ولا یکبر فی طریق المصلی عند أبي حنيفة، یعنی جہراً، أما سراً فیستحب (جوہرۃ) وعندہما یکبر فی طریق المصلی جہراً استحباباً، ویقطع إذا انتهى إليه، وفي رواية: إلى الصلاة (جوہرۃ). قال فی التصحیح: قال الإسیجانی فی زاد الفقہاء والعلامة فی التحفة: الصحیح قول أبي حنيفة، قلت (العلامة قاسم بن قطلوبغا): وهو المعتمد عند السنی وبرہان الشریعة وصدرہا ام۔
[Al-Lubab fi Sharh al-Kitab, 2: 262-3]

و یتوجّہ إلى المصلی وهو یکبر جہراً ویصلی الضعی رکعتین کصلاة عيد الفطر
[Al-Lubab fi Sharh al-Kitab, 2: 268; Al-Inayah Sharh al-Hidayah, 1: 458]

ويستحب التکبیر جہراً فی طریق المصلی يوم الأضعی اتفاقاً
[Gunya al-Mutamalli ala Sharh Munyat al-Musalli (Halabiy Sagir), p.330]
[Maraqiy al-Falah Sharh Nur al-Idhah, p.132]
[Al-Fatawa al-Alamgiriyyah, 1: 150]
[Tabyin al-Haqa'iq, 1: 224, Maktabah Imdadiyah]

[Al-Quran, 2: 185]

[Al-Qur'an, 22: 28]

وشراط صلاة الفطر أربع: أمر السلطان والوقت والقوم والمصر والخطبة ليست من شرائطها
[An-Nutaf fi al-Fatawa, p. 65]

يصلى الإمام بالناس ركعتين بلا أدان ولا 8مة
[Gunya al-Mutamalli ala Sharh Munyat al-Musalli (Halabiy Sagir), p.330]
[Al-Asl li as-Shaybani, 1: 319]

لا يسن (أي الأدان) لغريها كصيد ...
[Ad-Durr al-Mukhtar ma'a Radd al-Muhtar, 1: 385]
[al-Fatawa al-Alamigiriyah, 1: 53, Maktabah Rashidiyah]

وروي عن عمر بن الخطاب ، وعبد الله بن مسعود ، وأبي موسى الأشعري، وحذيفة ، وابن الزبير رضي الله عنهم خمسا في الأول وأربعاً في الثانية، يوالي بين القراءتين، ويعتد بتكبير الركوع والافتتاح من تكبيرات العيد فكانت تكبيرات الزوائد عندهم سبعا: ثلاثا في الأول وثلاثا في الأخيرة
[Sharh Mukhtasar at-Tahawi, 2: 153-4]
[Fat'h al-Qadir Sharh al-Hidayah, 2: 74]
[Fatawa Qadhi Khan, 1: 163; Fatawa Mahmoodiyah, 8: 438]

ويرفع يديه في تكبيرات العيدين
[al-Hidayah ma'a al-Inayah, 1:461]

ولا فرق بين الفطر والأضحية فيما، كما لا يختلفان في سائر أركانها ومستونها
[Sharh Mukhtasar at-Tahawi, 2: 158]

وإذا حلت الصلاة بارتفاع الشمس دخل وقتها إلى الزوال
[al-Hidayah ma'a al-Inayah, 1:458]
[Al-Lubab fi Sharh al-Kitab, 2: 263-4]
[Al-Fatawa al-Alamigiriyah, 1: 150; Fatawa Qadhi Khan, 1: 163]

ويستحب تعجيل الصلاة في الأضحية وتأخيرها في الفطر
[Gunya al-Mutamalli ala Sharh Munyat al-Musalli (Halabiy Sagir), p.332; Al-Fatawa al-Alamigiriyah, 1: 150; Fatawa Qadhi Khan, 1: 163]

[The whole method can be read at: Al-Lubab fi Sharh al-Kitab, 2: 264-5; Gunyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabiy Sagir), p.330, Maraqi al-Falah Sharh Nur al-Idhah, p.130-1; Al-Fatawa al-Alamigiriyah, 1: 150; Al-Asl li as-Shaybani, 1: 319; Fatawa Mahmoodiyah, 8: 444, Dar al-Iftaa Jamiyah Farooqiyah]

وكيفية صلاتهما أي العيدين أن ينوي عند أداء كل منهما صلاة العيد يقلبه ويقول بلسانه اصلي صلاة العيد لله تعال اماما ولملقتدي ينوي المتابعة ايضا
[Maraqi al-Falah Sharh Nur al-Idhah, p.130]

ولا بد من التعيين عند النية ... (الفرض) ... (الواجب) أنه وتر أو نذر
[Ad-Durr al-mukhtar ma'a Radd al-Muhtar, 1: 418-9, H. M. Saeed Company]

والنذر والتر وصلاة العيدين وركعتي الطواف، فلا بد من التعيين لإسقاط الواجب عنه
[Al-Bahr ar-Ra'iq, 1: 491, Maktabah Rashidiyah]
[Bada'i as-Sana'I, 1: 330, Maktabah Rashidiyah]

[Guniyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabi Sagir), p.330]

وليس بين التكييرات ذكر مسنون. وروي عن أبي حنيفة أنه يسكت بين كل تكبيرتين بقدر ثلاث تنسيحات ... وقال في المبسوط: ليس هذا القدر بلازم، بل يختلف ذلك بكثرة الزحام وقلته

[Al-Inayah Sharh al-Hidayah, 1:461]

ويرجع يديه عند كل تكبيرة عنهن ويسلها في اثنتين ثم يضعهما بعد الثالثة ويتعوذ ويقرأ الفاتحة وسورة

[Guniyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabi Sagir), p.330]

ثم يقرأ الإمام الفاتحة ثم يقرأ سورة وندب أن تكون سورة سبح اسم ربك الأعلى تماماً ثم يركع الإمام ويتبعه القوم فإذا قام للثانية ابتدأ بالسلمة ثم بالفاتحة ثم بالسورة لبوال بين القراءتين وهو الأفضل عندنا وندب أن تكون سورة: هل أتاك حديث الغاشية رواه الإمام أبو حنيفة يرفعه إلى النبي صلى الله عليه وسلم: "كان يقرأ في العيدين ويوم الجمعة - سبح اسم ربك الأعلى و هل أتاك حديث الغاشية

[Maraqi al-Falah Sharh Nur al-Idhah, p.130-1]

[Fat'h al-Qadir Sharh al-Hidayah, 2: 75]

[Tabyin al-Haqa'iq Sharh Kanz ad-Daqa'iq, 1: 226]

[Al-Asl li as-Shaybani, 1: 321]

[Guniyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabi Saghir), p.331]

ot srefer zuwwa'aT: أعوذ بالله من الشيطان الرجيم

ot srefer hayimsaT: بسم الله الرحمن الرحيم

ولو سبق بركعة يقرأ ثم يكبر لثلاث يتوالى التكبير (الدر المختار)

(قوله لثلاث يتوالى التكبير) أي لأنه إذا كبر قبل القراءة وقد كبر مع الإمام بعد القراءة لزم توالي التكبيرات في الركعتين قال في البحر ولم يقل به أحد من الصالحين ولو بدأ بالقراءة يصير فعله موافقاً لقول علي - رضي الله عنه - فكان أول كذا في المخطط وهو مخصص لقولهم: إن لم يسبق يقضي أول صلاته في حق الأذكار

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 2:174]

[Al-Bahr ar-Ra'iq, 2: 282]

[Fatawa Mahmoodiyah, 8: 378]

[Al-Asl li as-Shaybani, 1: 322]

All these cases can be found in:

(ولو أدرك) للمؤتم (الإمام في القيام) بعدما كبر (كبر) في الحال برأى نفسه لأنه مسبق، ولو سبق بركعة يقرأ ثم يكبر لثلاث يتوالى التكبير (ولو لم يكبر حتى ركع الإمام قبل أن يكبر) للمؤتم (لا يكبر) في القيام (و) لكن (يركع ويكبر في الركوع) على الصحيح لأن الركوع حكم القيام فلا إتيان بالواجب أول من المسنون

[Ad-Durr al-Mukhtar ma'a Radd al-Muhtar, 2: 173-4]

(قوله في القيام) أي الذي قبل الركوع. أما لو أدركه ركاعاً فإن غلب ظنه إدراكه في الركوع كبر قائماً برأى نفسه ثم ركع، وإلا ركع وكبر في ركوعه خلافاً لأبي يوسف ولا يرجع يديه لأن الوضع على الركبتين سنة في محله، والرجع لا في محله وإن رفع الإمام رأسه سقط عنه ما بقي من التكبير لثلاث تفوته للمتبع ولو أدركه في قيام الركوع لا يقضيه فيه لأنه يقضي الركعة مع تكبيراتها فتح ويدافع

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 173-4]

Also for all cases see: [Al-Fatawa al-Alamgiriyyah, 1: 151-2; Ahsan al-Fatawa, 4: 153]

[Fatawa Mahmoodiyah, 8: 459]

For the ruling of it being correct to make Dua after the Eid prayer and before the Kutbah, see:

[Imdad al-Ahkam 1: 740-3, Maktabah Dar al-Uloom Karachi]

[Imdad al-Fatawa, 1: 474]

[Fatawa Mahmoodiyah, 8: 464]

[And two evidences from Hadith are provided by Fatawa Dar al-Uloom Zakariyah, 2: 579]

[Ahsan al-Fatawa, 4: 125-6, H. M. Saeed Company] explains:

1. The irrelevancy of deducing the permissibility from the traditions;

2. That

نماز عید کے بعد متصل بلا فصل خطبہ ہے علاوہ ازیں خطبہ بھی دعاء ہی ہے

3. and Five innovations in the Dua after Eid prayer, due to which

وجوہ مذکورہ کی بناء پر اس رسمی دعاء سے احتراز لازم ہے

Conclusion: However, see [Fatawa Rahimiyyah, 6: 68-70, Dar al-Isha' at, Karachi] for a beautiful analysis comparing both views of permissibility and impermissibility concluding that Dua after Eid prayer is permissible but must neither be emphasised upon nor assumed to be Sunnah

(یخطب بعدها خطبتین) وہما سنة

[Ad-Durr al-Mukhtar ma'a Radd al-Muhtar, 2: 175]

ثم یخطب بعد الصلاة خطبتین

[al-Hidayah ma'a al-Inayah, p.461]

ثم یخطب بعد الصلاة خطبتین یبدأ فیہما بالتکبیر

[Gunya al-Mutamalli ala Sharh Munyat al-Musalli (Halabiy Sagir), p.330; [Maraqiy al-Falah Sharh Nur al-Idhah, p.131]

ویمسحب أن یمستفتح الخطبة الأول یمسح تکبیرات متوالية والثانية یمسح

[Al-Lubab fi Sharh al-Kitab, 2: 266; Al-Bahr Ra'iq, 2: 162, ad-Durr al-Mukhtar ma'a Radd al-Muhtar, 2: 175; Al-Fatawa al-Alamgiriyyah, 1: 150]

قال عبد الله بن مسعود هو السنة

[Maraqiy al-Falah Sharh Nur al-Idhah, p.131]

ویمسحب أن یمستفتح الأول یمسح تکبیرات تترى أي متتابعات والثانية یمسح هو السنة و أن یکبر قبل نزوله من المنبر أربع عشرة

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 175]

Also see: [T' laa as-Sunan, 8: 131, Idarah al-Qur'an, Karachi]

پہلے خطبہ کی ابتداء میں دو بار اور دوسرے کی ابتدا میں سات بار اور بالکل آخر میں چودہ بار مسلسل اللہ اکبر کہتا مسحوب ہے ، عام خطیب اس سے غافل ہیں

This is a neglected desired practice as voiced by: Ahsan al-Fatawa, 4: 137-8; Imdad al-Ahkam, 1: 753]

Also: The people will proclaim the Takbirs and extend salutations on Prophet Muhammad (peace be upon him) along with the Imam. However this should be done in the mind and must not be uttered by the tongue.

وتکبر القوم معه ویصلون علی النبی صلی اللہ علیہ وسلم فی أنفسهم امتثالاً للأمر وسنة الإنصات

[Maraqiy al-Falah Sharh Nur al-Idhah, p.131]

[Al-Fatawa al-Alamgiriyyah, 1: 151]

[Tabyin al-Haq' iq, 1: 226]

(وکل ما حرم فی الصلاة حرم فیہا) أي فی الخطبة خلاصة وغیرها فیحرم أكل وشرب وكلام ولو تسمیها أو رد سلام أو أمراً بمعروف بل یجب علیہ أن یستمع ویسکت (بلا فرق بین قریب وبعید) فی الأصح محیط ولا یرد تحذیر من خیف هلاکة لأنه یجب لحق آدمی، وهو محتاج إلیه والإنصات لحق الله - تعالیٰ، ومبناه علی المسامحة وكان أبو یوسف ینظر فی کتابه ویصححه والأصح أنه لا یأس بأن یشیر برأسه أو یدیه عند رؤية منکر والصواب أنه یصلی علی النبی - صلی اللہ علیہ وسلم - عند سماع اسمه فی نفسه ولا یجب تسمیته ولا رد سلام به یفتی وكذا یجب الاستماع لسائر الخطب كخطبة نکاح وخطبة عید وغتم علی المعتمد.

[Ad-Durr al-Mukhtar ma'a Radd al-Muhtar, 159; H. M. Saeed Company]

ويعلم الناس فی الفطر أحكام صدقة الفطر، وفي الأضحی أحكام الأضحية وتکبیر التشریق

[Gunya al-Mutamalli ala Sharh Munyat al-Musalli (Halabiy Sagir), p.330]

[Al-Lubab fi Sharh al-Kitab, 2: 265 & 268]
[Al-Fatawa al-Alamgiriyyah, 1: 150]

لسان العرب (775/7)
وَكَبَّرَ: قَالَ: اللَّهُ أَكْبَرُ، وَالتَّكْبِيرُ: التَّعْظِيمُ

للحيط البرهاني في الفقه النعماني (705 /2)
ولأن التشريق حقيقة تقديد اللحم؛ لأنه تفعليل من شرق تشريقاً إذا قطع وأظهر للشمس سمي تقديد اللحم تشريقاً؛ لأن في ذلك تقطيعه وإظهاره للشمس

بدائع الصنائع في ترتيب الشرائع (81 /2)
وَالْمَرْءُ مِنَ الْمُشْرِكِ هُوَ زَوْجُ الصُّوْتِ بِالتَّكْبِيرِ هَكَذَا قَالَ الْكُتُبُ بْنُ هَمَيْلٍ وَكَانَ مِنْ أَرْبَابِ اللَّغَةِ فَيَجِبُ تَضْيِيقُهُ، وَلَئِنْ تَضْيِيقُ فِي اللَّغَةِ هُوَ الْإِطْهَارُ، وَالْمُشْرِقُ هُوَ الْطَّهْرُ يُقَالُ: تَرَفَّتِ الشَّمْسُ إِذَا طَلَعَتْ وَطَهَّرَتْ سُمِّيَ مُؤَيَّجٌ طَلُوعُهَا وَطَهَّرَهَا مَفْرِقًا لِهَذَا، وَالتَّكْبِيرُ نَفْسُهُ إِطْهَارُ لِكِبَرِيَّاتِهِ اللَّهُ وَهُوَ إِطْهَارُ مَا هُوَ مِنْ شِعَارِ الْإِنْسَانِ فَكَانَ تَشْرِيقًا

البنية شرح البداية (183 /3)
والتشريق مصدر من شرق اللحم إذا بسطه في الشمس ليحفظ، وسميت بذلك أيام التشريق، لأن لحم الأضاحي كانت تشرق فيها بمنى،

الأصل المعروف بالميسوط للشيباني (523 /1)
قلت فكيف التَّكْبِيرُ قَالَ إِذَا سَلِمَ الْإِنْسَانُ قَالَ اللَّهُ أَكْبَرُ اللَّهُ أَكْبَرُ لَا إِلَهَ إِلَّا اللَّهُ وَاللَّهُ أَكْبَرُ اللَّهُ أَكْبَرُ وَاللَّهُ أَكْبَرُ بِلُغَاتٍ ذَلِكَ عَنْ عَلِيٍّ بْنِ أَبِي طَالِبٍ وَعَبْدُ اللَّهِ بْنِ مَسْعُودٍ

بدائع الصنائع في ترتيب الشرائع (21 /2)
وَأَمَّا الَّذِي هُوَ فِي غُرْمَةِ صَلَاةٍ بَعْدَ الْمَرْبُوحِ مِنْهَا، فَالتَّكْبِيرُ فِي أَيَّامِ الْمُشْرِكِ فِيهِ يَقَعُ فِي مَوَاضِعَ، فِي تَقْصِيرِهِ، فِي وَجُوهِهِ، فِي وَقْفِهِ، فِي مَحَلِّ آدَلِيهِ، وَفِيْمَنْ يَجِبُ عَلَيْهِ، وَفِي أَنَّهُ هَلْ يَقْضَى بَعْدَ الْقَوَاتِ فِي صَلَاةٍ الَّتِي دَخَلَتْ فِي حَدِّ الْقَضَاءِ؟ .
(أما) الأول فقد اختلفت الروايات عن الضحاك - رضي الله عنهم - في تفسير التَّكْبِيرِ، رَوَى اللَّهُ أَكْبَرُ اللَّهُ أَكْبَرُ لَا إِلَهَ إِلَّا اللَّهُ، وَلِلَّهِ أَكْبَرُ اللَّهُ أَكْبَرُ وَلِلَّهِ الْحَمْدُ وَهُوَ قَوْلُ عَلِيٍّ وَابْنِ مَسْعُودٍ - رضي الله عنهما - وَكَانَ ابْنُ عُثْمَانَ يَقُولُ: اللَّهُ أَكْبَرُ اللَّهُ أَكْبَرُ اللَّهُ أَكْبَرُ وَأَجَلُ، اللَّهُ أَكْبَرُ وَلِلَّهِ الْحَمْدُ، وَيَوْمَ أُعْذِرَ الشَّافِعِيُّ وَكَانَ ابْنُ عُثْمَانَ يَقُولُ: اللَّهُ أَكْبَرُ اللَّهُ أَكْبَرُ لَا إِلَهَ إِلَّا اللَّهُ الْحَيُّ الْقَيُّومُ يَغِيثُ وَيُجِيبُ وَهُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ، وَلَمَّا أُعْذِرْنَا يَقُولُ عَلِيٌّ وَابْنُ مَسْعُودٍ - رضي الله عنهما - : إِنَّكَ الْمَشْهُورُ وَالْمُتَوَارِثُ مِنَ الْأَمَةِ، وَلَئِنَّ أَجْمَعَ لِيُظَاهِيَ عَلَى التَّكْبِيرِ وَالْمُتَّهَلِّهِ، وَالْمُتَّهَلِّهِ فَكَانَ أَوَّلُ

مصنف ابن أبي شيبة (591 /4)
عَدُّنَا أَبُو الْأَعْوَجِ عَنْ أَبِي إِسْحَاقَ، عَنْ الشُّوْبِ، قَالَ: كَانَ عَبْدُ اللَّهِ، يُكَبِّرُ مِنْ صَلَاةِ الْفَجْرِ يَوْمَ غَرْفَةَ، إِلَى صَلَاةِ الْعَصْرِ مِنَ الشَّعْرِ يَقُولُ: «اللَّهُ أَكْبَرُ، اللَّهُ أَكْبَرُ، اللَّهُ أَكْبَرُ لَا إِلَهَ إِلَّا اللَّهُ، وَلِلَّهِ أَكْبَرُ، اللَّهُ أَكْبَرُ، وَلِلَّهِ الْحَمْدُ»
قال الشيخ محمد عوامة: وقد اتفق النسخ على أن لفظ التكبير في أوله ثلاث مرات كما أثبت وعلق عليه شيخنا الأعظمي بقوله: أنه من سهو الناس وهو كذلك والله أعلم. وقد نقل الزيلعي في نصب الراية 322:2 هذا الأثر على المصنف سنداً ومتناً وفيه التكبير مرتين ثم أكده في ص 422 وكذلك جاء عند العيني في البداية 151:3 وابن الهمام في فتح القدير 942
و رأيته كذلك من وجه آخر عند الطبراني 9 (8359) عن ابن مسعود.

تحفة الفقهاء (682 /1)
فَقُولُوا لَهُ وَاجِبٌ وَتَكْرَهُهُمَا أَنَّهُ سَنَةٌ ثُمَّ فَسَّرَهَا بِالْوَجَائِبِ فَإِنَّهُ قَالَ تَكْبِيرُ أَيَّامِ التَّشْرِيقِ سَنَةٌ مَخْصِيَةٌ نَقَلَهَا أَهْلُ الْعِلْمِ وَأَجْمَعُوا عَلَى الْعَمَلِ بِهَا وَلَكِنْ إِطْلَاقُ اسْمِ السَّنَةِ جَائِزٌ عَلَى الْوَجَائِبِ فَإِنَّهَا عِبَادَةٌ عَنْ الطَّرِيقَةِ الْمَرْضِيَّةِ

بدائع الصنائع في ترتيب الشرائع (21 /2)
(وَأما) ثانياً يَتَلَوُّ وَجُوهِهُ فَالضَّحِيحُ أَنَّهُ وَاجِبٌ، وَقَدْ سَأَلَ الْكُرْجِيُّ سُنَّةً ثُمَّ فَسَّرَهَا بِالْوَجَائِبِ فَقَالَ: تَكْبِيرُ الْمُشْرِكِ سُنَّةٌ مَخْصِيَةٌ نَقَلَهَا أَهْلُ الْعِلْمِ وَأَجْمَعُوا عَلَى الْعَمَلِ بِهَا، وَإِطْلَاقُ اسْمِ السَّنَةِ عَلَى الْوَجَائِبِ جَائِزٌ؛ لِأَنَّ السَّنَةَ عِبَادَةٌ عَنْ الطَّرِيقَةِ الْمَرْضِيَّةِ أَوْ السُّبُورَةِ الْحَمْدَةِ، وَكُلُّ وَاجِبٍ هَذِهِ صِفَتُهُ

بدائع الصنائع في ترتيب الشرائع (51 /2)
وَأَمَّا مَحَلُّ آدَلِيهِ، فَدُرُؤُ السَّلَاةِ، وَتَوَرُّعُهَا مِنْ غَيْرِ أَنْ يَتَحَلَّلَ مَا يَنْقَطِعُ غُرْمَةُ السَّلَاةِ حَتَّى لَوْ قَهَقَهُ أَوْ أَحْدَثَ مُتَعَمِّدًا أَوْ تَكَلَّمَ عَابِدًا أَوْ سَاهَاً أَوْ خَرَجَ مِنَ الْمَسْجِدِ أَوْ عَاقَرَتْ الشُّعُوفُ فِي الصَّغَرَاءِ لَا يُكَبِّرُ؛ لِأَنَّ التَّكْبِيرَ مِنْ خَصَائِصِ السَّلَاةِ حَتَّى لَا يُؤَلَّى بِهِ إِلَّا عَقِيبَ السَّلَاةِ فَيَرَاغَى لِإِتْلَائِهِ غُرْمَةُ السَّلَاةِ، وَهَذِهِ الْغَوَارِثُ تَقْطَعُ غُرْمَةَ السَّلَاةِ فَيَقْطَعُ التَّكْبِيرَ

الدر المختار وحاشية ابن عابدين (رد المحتار) (2/ 771)

(قوله) وَيَجِبُ تَكْبِيرُ الشَّرْقِيِّ نَهْلًا فِي الشَّخَاحِ وَغَيْرِهِ أَنَّ الشَّرْقِيَّ يَقْدِرُ اللَّحْمُ وَيَهْ سَمِيَتْ أَيَّامُ الْكَلْبَةِ بَعْدَ يَوْمِ الشَّحْرِ. وَيَنْقَلِبُ الْبَقِيلُ بَيْنَ أَعْمَدَ وَالْفَرْجِ بَيْنَ حُسْبَلٍ عَنْ أَهْلِ اللُّغَةِ أَنَّهُ التَّكْبِيرُ فَكَانَ مُشْتَرَكًا بَيْنَهُمَا هُنَا الْكَلَامُ، وَالْإِضَافَةُ فِيهِ بَيِّنَاتٌ لَأَنَّ التَّكْبِيرَ الَّذِي هُوَ الشَّرْقِيُّ. وَيَهْ لَنْدَقُ مَا قِيلَ: إِنَّ الْإِضَافَةَ عَلَى قَوْلِهِمَا لِأَنَّ تَكْبِيرَ فِي أَيَّامِ الشَّرْقِيِّ عِنْدَهُ وَقَامَتْ فِي الْأَحْكَامِ لِلشَّيْخِ إِسْمَاعِيلَ وَالْبَهْرُ (قوله) فِي الْأَصْحَفِ وَقِيلَ سُدَّةٌ وَصُغِعَ أَيُّهَا لَكِنْ فِي الْفَتْحِ أَنَّ الْأَكْثَرَ عَلَى الْوُجُوبِ وَخَرَّ فِي الْبَهْرِ أَنَّهُ لَا عِلَافَ لِلَّهِ السُّدَّةُ الْمُؤَنَّدَةُ وَالْوَاجِبُ مَسَاوِيَاتٍ وَتَبَّتْ فِي اسْتِغْنَائِي الْإِلَاحِ بِالْبَهْرِ.

البنية شرح الهداية (3/ 283)

م: (ويبدأ) ش: أي للصلي: م: (تعبير) الشَّرْقِيَّ بعد صلاة الفجر من يوم عرفة ويستم: ش: التكبير: م: (عقيب العصر) ش: أي صلاة العصر: م: (من يوم النحر عند أبي حنيفة - رَجَمَهُ اللَّهُ -) ش: وهو قول عبد الله بن مسعود وعلقمة والسود والنخعي - رَضِيَ اللَّهُ عَنْهُمْ -.

م: (وقال) ش: أي أبو يوسف ومحمد رحمهما الله: م: (يستم عقيب صلاة العصر من آخر أيام التَّشْرِيقِ) ش: وهو قول عمر بن الخطاب وعلي بن أبي طالب وعبد الله بن عباس - رَضِيَ اللَّهُ عَنْهُمْ - وبه قال سفيان الثوري وسفيان بن عيينة وأبو ثور وأحمد والشافعي - رَجَمَهُمُ اللَّهُ - في قول: وفي "التحرير" ذكر عثمان - رَضِيَ اللَّهُ عَنْهُ - معهم، وفي "المفيد" "وأما بكر - رَضِيَ اللَّهُ عَنْهُ - وعليه الفتوى، ذكره في "الكامل" و "التحرير"

الدر المختار وحاشية ابن عابدين (رد المحتار) (2/ 81)

وفلا يوجوب فور كل فَرْضٍ مُطْلَقًا، وَلَوْ مُتَّفِقًا أَوْ مُسَاوٍ أَوْ امْرَأَةً لِأَنَّ تَبَعَ لِلْمَكْتُوبَةِ (إِل) غُضِرَ التَّوْحُ الْغَايِسِ (أَجْرُ أَيَّامِ الشَّرْقِيِّ وَعَلَيْهِ الْإِغْنَاءُ) وَالْعَمَلُ وَالْفَتْوَى فِي غَايَةِ الْأَمْتَارِ وَكَافَّةِ الْأَمْتَارِ

(قوله) فَوْزَ كُلِّ فَرْضٍ، بَأَنَّ يَأْتِي بِهِ وَلَا فَضْلَ يَتَجَنَّبُ الْبَيِّنَةُ كَمَا مَرَّ ط (قوله) لِأَنَّ تَبَعَ لِلْمَكْتُوبَةِ) فَيَجِبُ عَلَى كُلِّ مَنْ تَجَبَّ عَلَيْهِ الصَّلَاةُ الْمَكْتُوبَةُ بَعْدَ (قوله) وَعَلَيْهِ الْإِغْنَاءُ (إِل) هَذَا بَيِّنَةٌ عَلَى أَنَّهُ إِذَا اخْتَلَفَ الْإِمَامُ وَصَاحِبُهَا فَلِلْجِبَةِ لِقَوْلِهِ الدَّيْلُ، وَهُوَ الْأَصَحُّ كَمَا فِي أَجْرِ الْخَلَوِيِّ الْقُدْسِيِّ أَوْ عَلَى أَنَّ قَوْلَهُمَا فِي كُلِّ مَسَآلَةٍ مَرْبُوعٍ عَنْهُ أَهْلًا، وَإِلَّا فَكَيْفَ يُقْتَضَى بِقَوْلِهِ غَيْرَ صَاحِبِ الْمَذْهَبِ. وَيَهْ لَنْدَقُ مَا فِي الْفَتْحِ مِنْ تَرْجِيحِ قَوْلِهِ هُنَا وَرَدَ فَتَوَى الْمُتَخَالِفِينَ بِقَوْلِهِمَا بَعْدَ مَطْلَبِ كَلِمَةٍ لَا بَأْسَ قَدْ تُسْتَعْمَلُ فِي الْمُنْتَدِبِ

الدر المختار وحاشية ابن عابدين (رد المحتار) (2/ 81)

وفلا يوجوب فور كل فَرْضٍ مُطْلَقًا، وَلَوْ مُتَّفِقًا أَوْ مُسَاوٍ أَوْ امْرَأَةً لِأَنَّ تَبَعَ لِلْمَكْتُوبَةِ (إِل) غُضِرَ التَّوْحُ الْغَايِسِ (أَجْرُ أَيَّامِ الشَّرْقِيِّ وَعَلَيْهِ الْإِغْنَاءُ) وَالْعَمَلُ وَالْفَتْوَى فِي غَايَةِ الْأَمْتَارِ وَكَافَّةِ الْأَمْتَارِ

(قوله) فَوْزَ كُلِّ فَرْضٍ، بَأَنَّ يَأْتِي بِهِ وَلَا فَضْلَ يَتَجَنَّبُ الْبَيِّنَةُ كَمَا مَرَّ ط (قوله) لِأَنَّ تَبَعَ لِلْمَكْتُوبَةِ) فَيَجِبُ عَلَى كُلِّ مَنْ تَجَبَّ عَلَيْهِ الصَّلَاةُ الْمَكْتُوبَةُ بَعْدَ (قوله) وَعَلَيْهِ الْإِغْنَاءُ (إِل) هَذَا بَيِّنَةٌ عَلَى أَنَّهُ إِذَا اخْتَلَفَ الْإِمَامُ وَصَاحِبُهَا فَلِلْجِبَةِ لِقَوْلِهِ الدَّيْلُ، وَهُوَ الْأَصَحُّ كَمَا فِي أَجْرِ الْخَلَوِيِّ الْقُدْسِيِّ أَوْ عَلَى أَنَّ قَوْلَهُمَا فِي كُلِّ مَسَآلَةٍ مَرْبُوعٍ عَنْهُ أَهْلًا، وَإِلَّا فَكَيْفَ يُقْتَضَى بِقَوْلِهِ غَيْرَ صَاحِبِ الْمَذْهَبِ. وَيَهْ لَنْدَقُ مَا فِي الْفَتْحِ مِنْ تَرْجِيحِ قَوْلِهِ هُنَا وَرَدَ فَتَوَى الْمُتَخَالِفِينَ بِقَوْلِهِمَا بَعْدَ مَطْلَبِ كَلِمَةٍ لَا بَأْسَ قَدْ تُسْتَعْمَلُ فِي الْمُنْتَدِبِ

الدر المختار وحاشية ابن عابدين (رد المحتار) (2/ 971)

لكن المرأة تخافت

(قوله) تَخَافَتْ، لِأَنَّ صَوْتَهَا غَوْرَةً كَمَا فِي الْكَاثِي وَالتَّبْيِينِ

تحفة الفقهاء (1/ 982)

ثم إذا نسي الإتمام ولم يكبر فليقول أم يكبروا لأنه ليس من جملة أفعال الصلاة حتى يكون الإتمام فيه أصلا

البنية شرح الهداية (2/ 573)

وتسعة أشبه إذا لم يفعلها الإمام يفعلها المقتدي إذا لم يرفع يديه عند الافتتاح يرفعهما ويركع ولم يكبر المقتدي ولم يسبح في الركوع والسجود يسبح المقتدي ولم يقل سمع الله لمن حمده يقولها للمقتدي ولم يكبر عند الانعطاف يكبر المقتدي ولم يقرأ التشهد يتشهد للمقتدي، ولم يسلم يسلم المقتدي، ونسي الإمام تكبيرة الشَّرْقِيَّ يكبر المقتدي والله تعالى أعلم بالصواب.

البنية شرح الهداية (1/ 593)

(فَإِنْ لَمْ يَسْجُدِ الْإِمَامُ لَمْ يَسْجُدِ الْمُؤْتَمِّمُ؛ لِأَنَّهُ يَتَّبِعُ مَخَالِفًا لِإِمَامِهِ، وَمَا التَّبَعُ إِلَّا مُتَّبِعًا) وَبَيِّنَةُ الْمَخَالَفَةِ وَالْمُتَابَعَةِ مَخَالَفَةٌ، فَإِذَا تَعَقَّقَ أَحَدُ الْمُتَابِعِينَ نَتَقَ الْآخَرَ. وَاتَّخِذْ عَلَى التَّغْيِيلِ الْمَذْكُورِ فِي الْكِتَابِ مَخَالَفَاتٍ يَغُورُ وَفَوْرُهَا مِنَ الْمُؤْتَمِّمِ. كَمَا إِذَا لَمْ يَرْفَعْ الْإِمَامُ يَدَهُ عِنْدَ الْإِفْتِاحِ فَإِنَّ الْقَوْمَ تَرْفَعُ. وَإِذَا لَمْ يَتَّقِ الْإِمَامُ يَتَّقِ الْمَأْمُومُ، وَإِذَا ذَكَرَ الْإِمَامُ كَثِيرَةَ الرَّحْمَةِ وَتَسْبِيحَهُ وَتَسْمِيحَهُ وَتَكْبِيرَةَ الْإِطْمِطَاءِ وَرَوَاةَ الشَّهَادَةِ وَالتَّسْلِيمِ وَتَكْبِيرَ الشَّرْقِيِّ فَإِنَّ الْمَأْمُومَ يَفْعَلُ ذَلِكَ كُلَّهُ

تحفة الفقهاء (1/ 982)

وأما محل أداء التَّكْبِيرِ فَيُنِي دبر الصلاة وإليها من غير أن يتخلل ما يقطع عزمة الصلاة حتى إنه لو قام وخرج من المسجد أو تكلم فإِنَّهُ لَا يكبر ولو قام ولم يخرج من المسجد فإِنَّهُ يكبر

بدائع الصنائع في ترتيب الفرائع (2/ 51)

وأما محل أدائه، فَمَنْعُ الصَّلَاةِ وَالْإِيمَانُ وَفَوْرُهَا مِنْ غَيْرِ أَنْ يَتَخَلَّلَ مَا يَطْعَمُ عَزْمَةَ الصَّلَاةِ حَتَّى لَوْ قَبِضَ أَوْ أَخَذَ مَفْعَمًا أَوْ تَكَلَّمَ عَامِدًا أَوْ سَاهِمًا أَوْ خَرَجَ مِنَ الْمَسْجِدِ أَوْ جَلَسَ الْمُشْفُوقُ فِي الصُّغَرِ لَا يَكْبِرُ؛ لِأَنَّ التَّكْبِيرَ مِنْ غَضَائِلِ الصَّلَاةِ حَتَّى لَا يُؤْخَذَ بِهِ إِلَّا عَقِيبَ الصَّلَاةِ فَرَاغَ لِإِنْبَائِهِ عَزْمَةَ الصَّلَاةِ. وَهَذِهِ الْعَوَارِضُ تَطْعَمُ عَزْمَةَ الصَّلَاةِ

وقوله وهذا هو المأثور عن الغليل - صلى الله عليه وسلم قيل أصل ذلك ما روي ((أن جبريل لما جاء بالقرين خاف العجلة على إبراهيم - عليهما السلام - فقال الله أكبر الله أكبر. فلما رآه إبراهيم قال لا إله إلا الله والله أكبر. فلما علم إسماعيل بالفداء قال الله أكبر والله الحمد))، فبقي في الآخرين إما سنة أو واجباً على ما يذكر. وروي ابن عمر أن رسول الله - صلى الله عليه وسلم - قال ((أفضل ما قلت وقالت الأنبياء قبلي يوم عرفة: الله أكبر الله أكبر لا إله إلا الله والله أكبر. الله أكبر. الله أكبر. والله الحمد))

[Al-Inayah Sharh al-Hidayah, 1: 464]

Hence, if the people receive late-news of it being Eid on the actual day which was assumed not to be Eid and the time has already passed midday, they will not observe the Eid prayer on that day though it is Eid but the next day.

ولا تصلين بعد الزوال على كل حال

[Gunyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabiy Sagir), p.331 and also see the footnotes on Dar an-nashr al-Ilmiyyah edition from Sharh Kabir]

ومن فاتته صلاة العيد مع الإمام ولو بالإفساد: لم يقضها وحده؛ لأنها لم تعرف قربة إلا بشرائط، لا تتم بالمنفرد (هداية)

[Al-Lubab fi Sharh al-Kitab, 2: 266; Sharh Mukhtasar at-Tahawi, 2: 161; Gunyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabiy Sagir), p.330; Maraqiy al-Falah Sharh Nur al-Idhah, p.131]

فإن عجز، صلى أربعاً كالضحي أي استحلبها كما في القهستاني وليس هذا قضاء؛ لأنه ليس على كفيتهما

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 176, H. M. Saeed Company]

[Al-Bahr ar-Ra'iq, 2: 284, Maktabah Rashidiyah]

[Fatawa Mahmoodiyah, 8: 377, Dar al-Iftaa Jamiah Farooqiyah]

ومن خرج إلى الجبلة ولم يدرك الإمام في شيخ من الصلاة إن شاء انصرف إلى بيته وإن شاء صلى ولم ينصرف والأفضل أن يصلي أربعاً فتكون له صلاة الضحى لما روي

عن ابن مسعود... وروي في ذلك عن رسول الله صلى الله عليه وسلم وعداً جميلاً ولوأيا جزئياً

[Fatawa Qadhi Khan, 1: 163; Al-Asl li as-Shaybani, 1: 320]

فإن حدث عذر من الأعذار المارة منع الناس من الصلاة في أول يوم الأضحية صلاها من الغد وبعد الغد، ولا يصليها بعد ذلك لأنها مؤقّلة بوقت الأضحية فتتقيد بأيامها، لكنه مسيء بالتأخير بغير عذر، وإلا فلا: فالعذر هنا لنفي الكراهة، وفي الفطر للصحة.

[Al-Lubab fi Sharh al-Kitab, 2: 268]

[Gunyat al-Mutamalli ala Sharh Munyat al-Musalli, p.330-1]

[Maraqiy al-Falah Sharh Nur al-Idhah, p.132]

[Al-Fatawa al-Alamgiriyyah, 1: 152]

[Fatawa Qadhi Khan, 1: 163]

[Tabyin al-Haqa'iq Sharh Kanz ad-Daqa'iq, 1: 226]

قوله (فإنه مكروه) أي تحريماً على الظاهر

[Tahtawi ala ad-Durr al-Mukhtar, 1: 562, In Fatawa Rahimiyyah, 6: 168, Dar al-Isha'at]

وهو التنفل قبلها فهو مكروه وأطلقه فحمل ما إذا كان في المصل أو في البيت ولا خلاف فيما إذا كان في المصلي واختلفوا فيما إذا تنفل في البيت فعامتهم على الكراهة وهو الأصح كما في غاية البيان

[Al-Bahr ar-Ra'iq Sharh Kanz ad-Daqa'iq, 2: 160; Al-Asl li as-Shaybani, 1: 328]

See: [Imdad al-Fatawa, 1: 529] - if a person wishes to read the Chast prayer, he may do so after returning from the Eid prayer

النساء إن أردن أن يصلين صلاة الضحى يصلين بعد ما صلى الإمام كذا في الخلاصة

[Gunyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabiy Saghir), p.332]

والتهمة وإما قال كذلك لأنه لم يحفظ فيها شيء عن أبي حنيفة وأصحابه، وذكر في القنية أنه لم ينقل عن أصحابنا كراهة وعن مالك أنه كرهها، وعن الأوزاعي أنها بدعة، وقال المحقق ابن أمير حاج: بل الأقرب أنها جائزة مستحبة في الجملة ثم ساق أكثراً بأسانيد صحيحة عن الصحابة في فعل ذلك ثم قال: وللتعامل في البلاد الشامية

والحصرية عيد مبارك عليك ونحوه وقال يمكن أن يلحق بذلك في المشروعية والاستحباب لما بينهما من التلازم فإن من قبلت طاعته في زمان كان ذلك الزمان عليه مباركا على أنه قد ورد الدعاء بالبركة في أمور شتى فيؤخذ منه استحباب الدعاء بها هنا أيضا اهـ

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 169]

For a detailed discussion also see: [Fatawa Dar al-Uloom Zakariyah, 2: 582-5]

(عيد کے دن ایک دوسرے کو مبارک باد دینا) جائز ہے ۔ تقبل اللہ منا ومنکم اور آپ کو عید مبارک ہو وغیرہ الفاظ کہے
[Fatawa Rahimiyyah, 6: 172, Dar al-Isha'at]

والتهنية يتقبل الله منا ومنكم لا تنكر

[Ad-Durr al-Mukhtar ma'a Radd al-Muhtar, 2: 169; Al-Bahr ar-Ra'iq, 2: 158, H. M. Saeed Company]

ولا بأس بقول الرجل لغيره يوم العيد تقبل الله منا ومنك

[Gunyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabiyy Sagir), p.332]

The narrations can be found in: [As-Sunan al-Kubra li al-Bayhaqi, 3: 319; Majma' az-Zawa'id, 2: 206]

تكره المصافحة بعد أداء الصلاة بكل حال، لأن الصحابة - رضي الله تعالى عنهم - ما صافحوا بعد أداء الصلاة، ولأنها من سنن الروافض اهـ ثم نقل عن ابن حجر عن الشافعية أنها بدعة مكروهة لا أصل لها في الشرع، وأنه ينبه فاعلها أولا ويعزر ثانيا ثم قال: وقال ابن الحاج من المالكية في المدخل إنها من البدع، وموضع للمصافحة في الشرع، إنما هو عند لقاء المسلم للمسلم لا في أدبار الصلوات فحيث وضعها الشرع يضعها فينبه عن ذلك ويحذر فاعله لما أتى به من خلاف السنة اهـ

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 6: 381; 2: 235]

[Fatawa Mahmoodiyah, 8: 464, Dar al-Iftaa Jamiah Farooqiyah]

Note: However, see [Fatawa Dar al-Uloom Zakariyah, 2: 590-3] which provides thirteen narrations on the permissibility of embracing each other due to not the prayer but expressing love and happiness. Thus it could be permissible to embrace each other for expressing love and happiness on the occasion of Eid while not assuming it to be Sunnah or part of Deen.

مراقى الفلاح شرح نور الإيضاح مع حاشية الطحطاوي (ص: 327) [دار الكتب العلمية]

تجب على حر مسلم مكلف مالك لنصاب أو قيمته وإن لم يعمل عليه المول عند طلوع فجر يوم الفطر ولم يكن للتجارة فارغ عن الدين وحاجته الأصلية وحوائج عياله والمعتبر فيها الكفاية لا التقدير وهي مسكنه وأثاثه وثيابه وفرسه وسلاحه وعبيده للخدمة فيخرجها عن نفسه وأولاده الصغار الفقراء وإن كانوا أغنياء يخرجها من مالهم ولا تجب على الجدي في ظاهر الرواية واعتبر أن الجدي كالأب عند فقده أو فقده وعن مماليكه

الدر المختار وحاشية ابن عابدين (رد المحتار) (2/ 953) [ابج ايم سعيد]

(على كل) حر مسلم ولو صغيرا مجنونا، حتى لو لم يخرجها وليهما وجب الأداء بعد البلوغ

قال ابن عابدين: وأما العقل والبلوغ فليسا من شرائط الوجوب في قول أبي حنيفة وأبي يوسف، حتى تجب على الصبي والمجنون إذا كان لهما مال ويخرجها الولي من مالهما وقال محمد وزفر لا تجب فيضمنها الأب والوصي لو أضياعا من مالهما اهـ وكما تجب فطرتهما تجب فطرة رقيقتهما من مالهما كما في الهندية والبحر عن الظهيرية (قوله): حتى لو لم يخرجها وليهما) أي من مالهما

ففي البدائع أن الصبي الغني إذا لم يخرج وليه عنه فعلى أصل أبي حنيفة وأبي يوسف أنه يلزمه الأداء: لأنه يقدر عليه بعد البلوغ اهـ

حاشية ابن عابدين (رد المحتار) (2/ 963) [ابج ايم سعيد]

قلت: فلو كانا فقيرين لم تجب عليهما بل على من يوفيهما كما يأتي، والظاهر أنه لو لم يؤدهما عنهما من ماله لا يلزمهما الأداء بعد البلوغ والإفاضة لعدم الوجوب عليهما (قوله: بعد البلوغ) أي بعد الإفاضة في المجنون حـ

الدر المختار وحاشية ابن عابدين (رد المحتار) (2/ 163) [ابج ايم سعيد]

(عن نفسه) متعلق بيجب وإن لم يصم لعذر (وظفله الفقير) والكبير المجنون،

قال ابن عابدين: (قوله: والكبير للمجنون) أي الفقير أما الغني ففي ماله عندهما كما مر وفي التتارغانية عن المحيط أن المعتوه والمجنون بمنزلة الصغير سواء كان المجنون أصليا بأن يلغ مجنونا أو عارضا هو الظاهر من المذهب اهـ

الدر المختار وحاشية ابن عابدين (رد المحتار) (2/ 363) [ابج ايم سعيد]

(لا عن زوجته) وولده الكبير العاقل، ولو أدى عنهما بلا إذن أمرا استحصنا للإذن عادة أي لو في عياله وإلا فلا قهستاني عن المحيط ليعفظ

الدر المختار وحاشية ابن عابدين (رد المحتار) (463/2) [إيج إيم سعيد]
(نصف صاع) فاعل يجب (من بر أو دقيقه أو سويقه أو زبيب) وجعله كالتمر، وهو رواية عن الإمام وصححه الهنسي وغيره. وفي الحقائق والشريعية عن البرهان: ووه يفتي (أو صاع تمر أو شعير) ولو ردينا

الدر المختار وحاشية ابن عابدين (رد المحتار) (663/2) [إيج إيم سعيد]
(ودفع القيمة) أي الدراهم (أفضل من دفع العين على المذهب) المفتى به جوهرة ويصر عن الظهيرية وهذا في السعة، أما في الشدة فدفع العين أفضل كما لا يخفى

الدر المختار وحاشية ابن عابدين (رد المحتار) (463/2) [إيج إيم سعيد]
وما لم ينص عليه كذرة وخبز يعتبر فيه القيمة

مراقي الفلاح شرح نور الإيضاح مع حاشية الطحطاوي (ص: 427) [دار الكتب العلمية]
ووقت الوجوب عند طلوع فجر يوم الفطر فمن مات أو افتقر قبله أو أسلم أو اغتنى أو ولد بعده لا تلزمه، ويستحب إخراجها قبل الخروج إلى المصلى وصح لو قدم أو أخر والتأخير مكروه ويدفع كل شخص فطرته لفقره واحد.

الدر المختار وحاشية ابن عابدين (رد المحتار) (953/2) [إيج إيم سعيد]
غير أن المستحب قبل الخروج إلى المصلى لقوله - عليه الصلاة والسلام - «أغنوهم عن المسألة في هذا اليوم» بدافع

مراقي الفلاح شرح نور الإيضاح مع حاشية الطحطاوي (ص: 427) [دار الكتب العلمية]
ويستحب إخراجها قبل الخروج إلى المصلى وصح لو قدم أو أخر والتأخير مكروه ويدفع كل شخص فطرته لفقره واحد.

الدر المختار وحاشية ابن عابدين (رد المحتار) (863/2) [إيج إيم سعيد]
(وصدقه الفطر كالزكاة في المصارف) وفي كل حال (إلا في) جواز (الدفع إلى الذمي) وعدم سقوطها بهلاك المال وقد مر

الدر المختار وحاشية ابن عابدين (رد المحتار) (163/2) [إيج إيم سعيد]
(عن نفسه) متعلق بيجب وإن لم يصم لعذر
قال ابن عابدين: (قوله: وإن لم يصم لعذر) الظاهر أنه قيد به بناء على ما هو حال المسلم من عدم تركه الصوم إلا بعذر كما تقدم نظيره في باب قضاء الفوائت، حيث لم يقل للزواتك فلنا بالمسلم غيراً، فحينئذ تجب الفطرة وإن أفطر عامداً لوجود السبب وهو الرأس الذي يمونه ويالي عليه ولو لم يصم كالطفل الصغير والعبد الكافر. ثم رأيت في البدائع ما يشعر بذلك حيث قال: وكذا وجود الصوم في شهر رمضان ليس يشترط لوجوب الفطرة حتى إن من أفطر لكبر أو مرض أو سفر يلزمه صدقة الفطر؛ لأن الأمر بأدائها مطلق عن هذا الشرط أحد فافهم

مراقي الفلاح شرح نور الإيضاح مع حاشية الطحطاوي (ص: 427) [دار الكتب العلمية]
واختلف في جواز تفريق فطرة واحدة على أكثر من فقير ويجوز دفع ما على جماعة لواحد على الصحيح والله الموفق للصواب.
قال الطحطاوي: "واختلف في جواز تفريق فطرة واحدة على أكثر من فقير" وعلى الجواز الأكثر فيه جزم في الولوالجية والخانية والبدائع والمحيط وتبعهم الزيلعي في الطهارة من غير ذكر خلاف وصححه في البرهان فكان هو المذهب والأمر في حيث أغنواهم للندب فيفيد الأولوية در.

LAWS RELATING TO THE DECEASED

BATHING * SALAT AL-JANAZAH * BURIAL * TA`ZIYAH
* INHERITANCE & ESTATES * ISAL AL-THAWAB * WILLS
& TESTAMENTS

BY: HANIF PATEL - SECOND YEAR IFTAA STUDENT

BEFORE DEATH:

The person on his deathbed should be turned to his right side facing the Qiblah . It is also permissible to lie him on his back and to raise his head slightly to face the Qiblah .The words of Shahadah should be proclaimed near him for him to hear and thus indirectly prompt him to proclaim it too. This is called Talqin. However, he should not be instructed and compelled to recite it.It is Mustahab (desirable) for the deceased`s close relatives, friends and neighbours to be present to advise him on his last will, assist him in encountering this critical moment and read Surah Yasin and Surah Ra`d onto him .

AFTER DEATH:

It is Fardh Kifayah to bathe, to enshroud, to observe the Janazah Salah of, and bury the deceased .When he passes away, his eyes should be shut and jaws should be closed using a band fastened from the lower chin to the top of the head .The one who has shared the most companionship with the deceased is most worthy of undertaking this task and he should say while closing the eyes :

بسم الله ، وعلى ملة رسول الله، اللهم يسّر عليه أمره وسهّل عليه ما بعده، وأسعده بقلائك، واجعل ما خرج إليه خيراً مما خرج عنه

Then the deceased should be covered with a sheet of cloth and fragrance should be placed near him .A piece of iron or anything reasonably heavy should be put on his stomach so that it does not inflate .The hands of the deceased should be placed to his sides while his fingers and joints should be loosened .It is Makrooh Tanzihi to recite the Qur`an by the deceased from his death until he is bathed . It is Mustahab (highly desirable) to hasten in settling his debts and release him from his liabilities .It is desirable to inform the deceased`s neighbours, relatives, friends and the people of the locality of his demise so that they can supplicate for him and extend reward for him .The process of bathing and burying the deceased should

be hastened. Upon the demise of her husband, the woman should immediately sit in iddah. A woman in her iddah must remain in the marriage home for the complete duration of her iddah, without leaving the house, except for dire necessity. The waiting period of iddah is for four months and ten days (according to the lunar calendar). If the husband passed during the middle of the month, then the iddah will be 130 days. Furthermore, if a woman is pregnant, her iddah will be till she gives birth to the baby irrespective of it being more or less than 4 months and 10 days. The Qur'an should not be recited upon the deceased but at a distance from him or only after he has been bathed.

WHO SHOULD BATHE THE DECEASED?

It is unanimously agreed that it is Fardh Kifayah upon the living people to bathe the deceased. It is desirable that the washer should be one who is the closest of the people to the deceased or a person of piety. The woman is allowed to bathe and shroud her deceased husband; but the husband is not allowed to bathe his deceased wife. The husband must not touch or bathe the deceased wife; however, he is permitted to see her. If there is no one from the same gender to bathe the deceased, Tayammum will be performed on the deceased using a cloth. A young child may be bathed either by a male or a female.

It is permissible to kiss the deceased

It is the responsibility of the man to arrange the shroud and the burial of his wife.

METHOD OF BATHING:

It is better for the washer[s] to make the intention of bathing the deceased. When the people decide to bathe the deceased, they should put him on a broad bench or a bier. The deceased may be layed in any direction suitable, even though the feet may be facing the qiblah. The bench or platform should be perfumed odd number of times

by rotating the incense around the bier. The clothes of the deceased should be removed and a cloth should be placed to cover the deceased's area from the knees to the navel while the rest of the body could be kept exposed. Perform Wudhu for the deceased without rinsing his mouth or nose. However, the washer may use a thin cloth to clean and enter water in the mouth and the nose and wipe the teeth and lips. Water should be poured over the deceased.

The water should be boiled with leaves of lotus tree or saltwort. However, if one does not possess any of them, even simply pure warm water is sufficient. The head and beard should be washed with khitmi (marsh mallow plant) or any soap available.

Then he should be made to lie down on the left side and be washed with water and leaves of lotus tree until it is seen that the water has reached that part which is adjacent to the bench.

The deceased should then be made to lie down on the right side and should be washed with water and leaves of lotus tree until it is seen that the water has reached that part which is adjacent to the bench.

Then the deceased should be made to sit and lean against the washer and the stomach of the deceased should be wiped gently.

Any impurity emerging from the deceased should be washed but there is no need to repeat the Ghusl or Wudhu or to replace afterwards the shroud.

The deceased should then be turned to his left side again and washed to complete Sunnah of completing virtuous acts in threes.

The water should be poured over the deceased thrice each time his side is turned. The body of the deceased should then be dried and wiped with a cloth. Hanut or any other fragrance should be placed on his head and beard and camphor on the forehead, the nose, the hands, the knees and the feet.

If after birth, the child shows a sign of life, including making noise, yawning, crying etc. it should be named, given a bath, shrouded and prayed upon . However, a miscarried foetus and a child who does not show signs of life after birth, should be washed, wrapped in any cloth and buried without the funeral Salah being observed over it . It is desirable for the washer to take a bath himself after bathing the deceased .

SHROUDING THE DECEASED:

The shrouds may be any of any type or colour usually worn by the deceased but preferably of nice quality and white cotton . The shroud of both, men and women , should be perfumed with incense an odd number of times before the deceased is wrapped in them. It is preferable to burn incense at three times: when the soul is leaving the body, at the time of bathing the deceased, and when the deceased is shrouded .The hair and the beard of the deceased should not be combed or braided and the nails should not be cut.

It is Sunnah that a man is shrouded in three clothes :

Izar – a loin cloth extending from the head to the feet like the Lifafah
 Qamis – an upper garment extending from the shoulders to the feet
 Lifafah – (chador) a complete wrapper extending from the head to the feet It is also permissible to restrict the man`s shroud to only the Izar and Lifafah. The deceased male should be put in the shrouds.

Firstly, the Lifafah should be spread out and thereafter the Izar should be unfolded on top of it. The deceased should be wrapped in a Qamis without sleeves and put onto the Izar to be folded into it first from his left and then from his right and then similarly into the Lifafah .The additional wrapper should be wrapped around the deceased beginning with the left side, putting the shroud over him, then the right side. The shroud may be fastened with a knot .

It is Sunnah that a woman should be shrouded in five cloths:

Izar

Qamis

Khimar – a scarf which should be on top of the Qamis under the

Lifafah

A cloth with which her bosom is tied

Lifafah

It is also permissible to restrict the woman`s shroud to only Izar, Khimar and Lifafah .The deceased female should be put in the shrouds. Firstly, the Lifafah should be spread out, then the cloth to place on the bosom, then the Izar on top of it. The deceased should be wrapped in a Qamis and put onto the Izar to be folded into it, then the cloth and then into the Lifafah.

The two hair plaits of a woman should be placed on her chest on top of the Qamis. Then the woman should be made to cover the head and face wear the Khimar below the Lifafah and on top of the Qamis. Then she should be wrapped in an Izar. The peace of cloth should then be fastened on top of that behind the chest on the bossom and then the Lifafah should be fastened .

The child close to maturity will be shrouded with the same clothes as an adult. If the achild is younger, it is better to enshroud him also with the full kafn, although it is permissible to enshroud the young boy in a single cloth and the young girl in two clothes . Once the deceased has been wrapped in the shrouds, it is compulsory upon the people to pray over the deceased.

THE JANAZAH SALAH:

The funeral salāh is Fardh Kifāyah. The most worthy of people to pray over him is the ruler if he is present; if not, then the Imam of his locality then the Walī. If the deceased is buried and the people have not observed the funeral Salah over him yet, the Salah could be performed over his grave for few days.

The Salah should not be observed over a deceased in a Masjid

The Imam leading the funeral Salah should stand in line of the chest of the deceased. The Imam and followers should intend to observe the salāh of janāzah for the sake of Allah and as a supplication for the deceased. The specification of the deceased in the intention is not required. The intention could be pronounced from the tongue or simply made in the heart. It is not necessary for the Imam to make an intention for the followers.

The Imam will proclaim the Takbir (Allahu Akbar) four times. The observance of four takbirs and the salām is compulsory for the validity of the salāh al-janāzah while the recitation of prescribed portions between the takbirs is sunnah. The hands should be raised only upon the first Takbir. After the first Takbir, the Imam and followers should read the Thana (praise of Allah). After the second Takbir, they should extend salutations (Salat and Salam) on Prophet Muhammad (peace be upon him) with the same words as usually read in salāh

After the third Takbir, they should supplicate for themselves, for the deceased and for all the Muslims. The following supplication may be read :

اللَّهُمَّ اغْفِرْ لِحَيِّنَا وَمَيِّتِنَا وَصَغِيرِنَا وَكَبِيرِنَا ، وَذَكَرِنَا وَأُنْثَانَا ، وَشَاهِدِنَا وَغَائِبِنَا ، اللَّهُمَّ مَنْ أَحْيَيْتَهُ مِنَّا فَأَخِيهِ عَلَى
الْإِسْلَامِ ، وَمَنْ تَوَفَّيْتَهُ مِنَّا فَتَوَفَّهُ عَلَى الْإِيمَانِ. اللَّهُمَّ لَا تَحْرِمْنَا أَجْرَهُ وَلَا تُضِلَّنَا بَعْدَهُ

Transliteration: Allāhummaghfir lihayyinaa wa mayyitinaa wa sagheerinaa wa kabeerinaa wa zakarinaa wa unthaanaa wa shaahidinaa wa ghaa`ibinaa allaahuma man ahyaytahu minnaa fa ah`iyhi alal

islam wa man tawaffaytahu minnaa fatawaffahu alal eemaan alla-
humma laa tahrimnaa ajrahu wa laa tudhillanaa ba`dahu

Translation: O Allah forgive our living and our dead, our young and our old, our menfolk and our womenfolk, those who are present and those who are absent. O Allah, whomsoever you give life from among us give him life on Islam, and whomsoever you take away from us take him away on faith. O Allah, do not forbid us their reward and do not send us astray after them.

After the fourth Takbir, they should make salām both ways. As for the position of the hands, there are three views expressed: (a) to untie and loosen the hands after the fourth takbīr; (b) to untie the right hand when turning right for salām and the left hand when turning left for salām; and (c) to loosen the hands after both salāms . The last option has been preferred .

ADDITIONAL RULES OF JANAZAH SALAH:

It is makrūh tahrīmī (impermissible) to observe the Janāzah (funeral) salāh in those timings in which salāh is generally impermissible, i.e at the time of sunrise, istiḡā (zenith) and sunset, if the janāzah was presented before such timings. However, if the janāza is presented at that time and prayed upon at the same time, then it is permissible to observe the salāh at that time. However, if the deceased is buried without salāh being observed upon him, then it should be read by his grave as long as it is within three days of burying him.

If there are multiple janāzāh, the janāzah of the deceased menfolk should be kept the closest to the imam, and then the boys, and then the women and then the girls . It is more virtuous to observe separate salāh for each; however, even if observed collectively, one salāh of janāzah will suffice for all those deceased . The supplication for the children should be read after the supplication for the adults.

If an individual misses any takbīr, then he should join the Imām in the takbīr he is in and compensate for the missed takbīrs in order after the Imām completes the salāh. The best of rows in the salāh of janāzah are the last rows. It is mustahab to have an odd number of rows. The salāh of janāzah is a supplication in itself for the deceased. There is no basis for raising the hands and supplicating after the janāzah salāh and thus to do such is impermissible.

There is no salāh janāzah upon a miscarried baby who has not lived for any moment out of the womb. It is impermissible to observe the salāh of janāzah in the masjid without any genuine reason. However, it is permissible to observe the salāh within the courtyard of the masjid, open yard or the graveyard as long as graves are not directly in front.

CARRYING THE DECEASED TO THE GRAVE:

The people should then carry the deceased on his bier, holding its four ends and walking with it swiftly; neither running nor slowly. It is Sunnah for the deceased to be carried by four people at a time. These four people should carry the deceased for forty steps. Whilst carrying the deceased, the end in which the head lies, should be led first and not the feet. Those carrying and following the Janazah should remain silent. It is Makrooh to raise the voice in Zikr or in reciting the Qur'an while carrying the deceased.

BURIAL:

The grave should be dug 3 or, preferably, 6 feet in depthness and the height of the human in length and an incision should be made in the direction of the Qiblah wherein the deceased can rest easily. A board or a piece of wood should be placed above which should not touch the deceased but act as a roof for the deceased. Hence the soil returned in the grave will not reach the deceased but the upper surface of the board. The soil which is taken out in creating the

incision should be used to put on top of the grave to raise the level of the grave up to two spans . The deceased should be entered from the Qiblah side. It is also permissible when the earth is soft and wet to bury the deceased in a coffin .

The husband is allowed to touch the Janazah of his wife and place her into her grave . A veil should be drawn around the area of the grave when the female deceased is being buried. This will ensure no non-Mahram is able to see any part of the deceased female . Once the deceased is placed in the incision, is it Mustahab for the one placing the deceased in the grave to say:

باسم الله وعلى ملة رسول الله

Transliteration: Bismillahi wa alaa millati rasoolillah

The deceased should be made to lie on his right side facing the Qiblah and the knots on his shroud should be untied . Unbaked bricks should be arranged in the incision. Baked bricks and wood should not be arranged. Furthermore, straw could also be used with unbaked bricks. The soil is then piled on the deceased.

The actual soil which is dug out to make a grave for the deceased should be used to fill the grave once the deceased has been buried. To add any additional soil will be Makrooh. It is desirable for one who is present at the burial to pour soil back into the grave thrice with a handful.

The person should recite with the first throw منها خلقناكم , with the second throw, ومنها نخرجكم تارة أخرى and with the third throw وفيها نعيدكم

AFTER BURIAL:

The grave should be raised a foot above ground in the shape of a hump and not flattened. After the deceased has been buried, it is Mustahab for the beginning verses of Surah Baqarah to be read where the deceased's head is resting and the last verses of it by the feet side. The attendants of the burial may supplicate collectively for the deceased after the burial while raising their hands and preferably facing the Qiblah. It is Mustahab to sprinkle some water on the grave after having buried the deceased in the grave.

It is advisable to remain behind after having burying the deceased in the grave to occupy one's self in making zikr and supplicating for the deceased. It is permissible to supplicate by the grave while either standing or sitting. There is no Talqin after the deceased has been buried.

THE GRAVE:

It is an innovation to adorn the grave with pulpits, lights, flowers and various other coverings. It is permissible to engrave simply the name of a deceased on his grave, particularly if he is famous and pious, for the purpose of identification. It is permissible to have the grave dug during one's own life. The deceased should not be buried away from the Muslim graveyard in an exclusive home or courtyard. The deceased should be buried in the area he or she has passed away. If the deceased had expressed a desire and will to be buried in a particular place, it is not necessary to execute this will and such will is void. If there is a need then it is permissible to bury a new deceased in a grave wherein the old deceased has turned to dust or even to bury multiple deceased in a single grave.

The grave should be honoured and not tread or sat upon. It is not permissible to unearth the grave and take out the deceased after being buried unless the land is proven to have belong to someone else

who does not show his consent to the grave being in his territory . It is vital to honour and respect the graves. However, when the deceased turns to soil due to the passage of long time, the ruling of it also changes it. It is permissible to construct a building on it or use that land for cultivation and growing crops .It is desirable to visit the graveyard .

ADVICE TO THE BEREAVING FAMILY:

1. Be patient and entertain complete believe, trust and hope in Allah the Al-Mighty.
2. It is more appropriate for the bereaving family to delegate a reliable, knowledgeable and calm family member or friend to assume the responsibility of contacting the authorities and arranging burial services.
3. Contact the GP as soon as possible, or the local hospital, to issue a medical certificate giving the cause of death.
4. Thereafter the death should be formally registered at the register office. It is a criminal offence to fail to register the death.
5. You may inform family members, relatives and close friends of the demise.
6. Contact the local mosque for bathing, shrouding and burial arrangements.
7. Contact the local burial service for funeral arrangements.
8. Engage yourselves in the remembrance of Allah and supplicate for the deceased.

MOURNING IN ISLAM & EXTENDING REWARD TO THE DECEASED:

It is desirable for men folk and women, when there is no fear of fitnah, to make ta'ziyat (offering coldolences to the family of the deceased). Ta'ziyat should not be done more than once. The method of ta'ziyat is to, whether before after burial, proceed to the family of the deceased and offer his condolences, bring comfort to them, advice them about patience and supplicate for them and the deceased . If a person is unable to physically visit the family members, he may write to them, call them or send a message expressing sympathy and kind regards . However, the priod of mourning and ta'ziyah is only three days after which it will be makrūh (disliked).

It is not permissible to supplicate for or extend reward to a deceased who died on disbelief .However, one may express condolsences to his or her family in the following words:

أخلف الله عليك خيرا منه وأصلحك

Translation: May Allah May God compensate you with better (a believer) and Enrich you (with Islam).

It is makrūh (reprehensible) to assemble at the home of the deceased for ta'ziya. In fact, the family of the deceased and the people should disperse once the burial has taken place and occupy themselves in their occupations .

The family of the deceased should not entertain the guests by feeding them. In fact, it is mustahab (desirable) for close relatives and neighbours to prepare meal for the family of the deceased since they will be in the state of sorrow and grief and occupied in arranging the funeral of the deceased. However, this state should not persist after three days subsequent to the death.

It is permissible, and moreover recommended, to extend reward to the deceased by feeding food to the poor , observing voluntary salāh, donating Qur`an, Islamic literature and other equipment to Islamic institutions, masjids and people, digging a well, constructing a travellers lodge, spending in charity and by reciting the Qur`an without stipulating a date, day, place or position . By the virtue of extending the reward to the deceased, sorrow lessens and happiness increases, the punishment is lessened and level in paradise is elevated . The performer of any good deed should intend to extend the reward of the act to all the believers and consequently all the deceased, as well as he himself, will reap benefit from it.

It is permissible to supplicate for the deceased at his grave whether the hands are raised or not. However, one who has his hands raised should face the qiblah to remove any doubt in the mind of other since he may appear to them as asking from the deceased buried in the grave.

It is permissible to recite the Qur`an by the grave and to extend the reward to the deceased. Similarly, it is permissible for the family members and close associates to gather in a place and collectively complete the recitation of the Qur`an and thereafter extend the reward to deceased . However, where the Qur`an is recited loudly, or a portion of the Qur`an is specified, or it is enforced upon someone, or it is practised with punctuality and assumed to be necessary, or other actions are innovated therein, then it is cautious not to recite the Qur`an by the grave or complete the Qur`an in a collective manner but at home or at the masjid and then the reward should be extended. Furthermore, it is not permissible to hire an individual to recite the Qur`an in order to extend reward to the deceased in return of wages.

It is permissible for an organisation to arrange a gathering in the remembrance of a high profile person who is now deceased in order

to express their love, compassion and relationship and a means of contentment for the deceased's close family members.

ESTATES AND WILLS

THE EXPENSES OF THE ESTATE:

The inheritance and estate of the deceased should be allocated and executed after his or her death in the following sequence:

1. Funeral expenses;

The trustees are duty-bound to ensure that the expenses of funeral are moderate. However, if they are excessive in the burial expenditures, they will be required to compensate the estate for the surplus. Similarly, voluntary additional contributions such as feeding the deceased's family should not be paid out of the funeral expenses.

2. Clearance of debts.

3. Execution of bequests.

It is mustahab (desirable) for a person to bequeath some of his wealth in the cause of Allāh.

The bequest from the deceased will be approved with the following conditions:

I. The bequest must not exceed one third of the wealth remaining after clearing the debts. The person should ask the heirs to compensate from his inheritance any religious liability or obligation on him, i.e. which is the price of half a sā` (1.592136 kilograms) of wheat for each salāh and each fast missed. However, the bequest for more than one third is suspended upon the approval of the mature heirs.

II. The bequest cannot be approved for one who is already entitled to receive inheritance unless the other heirs agree to it.

III. The bequest must not for a non-Islamic cause.

4. Paying the inheritors and heirs.

WHAT IS INCLUDED IN THE ESTATE?

All that which the deceased owned and possessed during his or her lifetime will form part of estate. This includes, personal clothing, watches, glasses, rings, properties, businesses, vehicles etc. However, the wealth which is not recognised in Sharia and was acquired wrongfully, such as interest money, collateral, insurances and endowment policies will not form part of the estate.

IMPORTANCE OF DRAWING UP A WILL IN WRITING:

- If the person dies without a will, the secular law will now dictate who gets what.
- A will allows the individual to decide what happens to his or her money, property and possessions after death.
- If a person writes an official will he or she can also ensure they do not pay more Inheritance Tax than needed.
- In the absence of such a will, the Sharia does not bind the heirs to discharge the liability of the person who dies prior to discharging his liability. However, in the case of writing up a will, the heirs will be duty-bound by Sharia to pay fidyah (compensation money) from up to one third of the complete Estate.

WHAT DO I PUT IN MY WILL?

The person should include in his will:

- The names of the individuals who he or she wants to benefit from his estate
- The name of the individual who he or she wants to take care of any children under eighteen
- The name of the executor of his or her will and estate
- What should happen if the individual who he or she wants to benefit die before the person.

The individuals may write a will themselves, but they should seek legal advice from a professionals, for example from Citizens Advice (See: http://www.adviceguide.org.uk/england/relationships_e/relationships_death_and_wills_e.htm), and an Islamic scholar to ensure the will is interpreted as you would like and in accordance to the Islamic law as well as the country law.

He or she should inform the executor of the will, close friend, family member or relative where the will is stored. It is better to keep the will in a reliable and secular places such as with other important documents or with a solicitor.

LEGAL REQUIREMENTS:

However, for the will to be legally valid, the will must be formally witnessed and signed. According to the U.K law, the will should be written by a person 18 or over; made voluntarily; made by a person of sound mind; in writing; signed by the person making the will in the presence of 2 witnesses; and signed by the 2 witnesses, in the presence of the person making the will.

Furthermore, the person is required to sign and witness his or her will formally to make it legal. He or she must sign the will in the presence of 2 witnesses; get 2 witnesses to sign the will in his or her

presence, after he or she has signed it; make sure the witnesses are aged 18 or over; and if he or she needs to make any changes to the will then the same signing and witnessing process should be followed. However you must ensure the witnesses are not from amongst those whom and their married partners you want to benefit from your will. The person should update and review the Will as and when the need arises, such as when there is a change in marital status, birth in family, change in residence, or if the executor named in the Will dies.

As for making amendments to your will, one cannot make any changes in the will after it has been signed and witnessed. However, one may make an official alteration called a codicil. The person must then sign a codicil and get it witnessed in the same way as witnessing a will. However, if individuals want to update and amend their will, they are required to make an official alteration (called a codicil) or make a new will. The person must then sign the codicil or the new will and get it witnessed in the same way as witnessing the previous will. Also, one should destroy the old will and explain in the new will that it officially revokes all previous wills and codicils.



BIBLIOGRAPHY

ARABIC BOOKS BIBLIOGRAPY

1. Al-Bahr ar-Ra'iq Sharh Kanz ad-Daqa'iq, Zayn ad-Din Ibn Nu-jaym, Maktabah Rashīdiyya
2. Al- Fatawa al-Amalgiriyyah (al-Hindiyyah), 1: 149-52, 6: 446-478, Maulana as-Shaykh Nizam and a group of scholars from Hind, Mak-tabah Rashidiyyah
3. Al-Inayah Sharh al-Hidayah, 1:456-66, Akmal ad-Din Muham-mad bin Muhammad bin Mahmood al-Babarti, Dar al-Kutub al-Ilm-iiyyah, Beirut
4. Al-Lubab fi Sharh al-Kitab, Abd al-Gani al-Gunaymi al-Maydani ad-Damashqi, Dar al-Basha'ir al-Islamiyyah
5. Badāi al-Sanā'ī, Abū Bakr bin Mas'ūd al-Kāsānī, Dār al-Kutub al-'Ilmiyyah
6. Tabyin al-Haqa'iq Sharh Kanz ad-Daqa'iq, Fakhr ad-Din Uthman bin Ali az-Zayla'I, Maktabah Imdadiyah, Multan
7. Al-Jawharat an-Niyyarah, Mir Muhammad Kutub Khana, Kara-chi]
8. Hāshiyat al-Tahtāwī alā Marāqī al-Falāh, Qadīmī Kutub Khana
9. Radd al-Muhtar ala ad-Durr al-Mukhtar, Muhammad Amin (also known as) Ibn Abidin as-Shami, H. M. Saeed Company
10. Gunyat al-Mutamalli fi Sharh Munyat al-Musalli (Halabī al-Ka-bīr), Ibrahim bin Muhammad bin Ibrahim al-Halabiy, Dar an-Na-shar al-Ilmiyyah
11. Fatawa Qadhi Khan, Fakhr al-Din Abu al-Mahasin al-Hasan bin Mansur (also known as) Qadhi Khan al-Awzjandi al-Farghani, Qadi-mi Kutub Khana, Karachi
12. Fat'h al-Qadir ma'a Kifayah Sharh al-Hidayah, Kamal ad-Din Muhammad bin Abd al-Wahid Maktabah Rashidiyyah]
13. Mukhtasar al-Qudūri, (tahqīq from Sā'id Bakdash), Dār al-Bashā'ir al-Islāmiyyah and Dār al-Sirāj
14. Minhāt al-Sulūk fi sharh Tuhfat al-Mulūk, Dār al-Nawādir;

15. Nafahāt al-sulūk alā tuhfāt al-Mulūk, Dār al-Fārūq, Amman
 16. Marāqiy al-Falah Sharh Nur al-Idhah and Imdād al-Fattāh, as-Sahykh Hasan bin Ammar bin Ali As-Shuruhbulali, Maktabah Imdadiyah, Multan
 17. I' laa as-Sunan, Maulana Zafar Ahmad al-Uthmani, Idarah al-Qur'an wa al-Uloom al-Islamiyyah, Karachi
- URDU BOOKS BIBLIOGRAPHY
18. Ahsan al-Fatawa, Mufti Rashid Ahmad, H. M. Saeed Company
 19. Imdad al-Fatawa, Maulana Ashraf Ali Tanwi, Maktabah Dar al-Uloom Karachi
 20. Imdād al-Ahkām, Maktabah Dār al-Ulūm Karachi
 21. Fatwa Dar al-Uloom Zakariyah, Mufti Radha al-Haq, Zamzam Publishers
 22. Fatawa Mahmoodiyah, Mufti Mahmood Hasan Gangohi, Dar al-Iftaa Jamiah Farooqiyah
 23. Fatawa Rahimiyah, Mufti Abdur Rahim Lajpuri, Dar al-Isha'at Karachi
 24. Mu'in al-Farā'iz, Jamiah Husainiyyah Rander, Surat, India

والجنازة بالكسر السرير، وبالفتح الميث

[Al-Inayah Sharh al-Hidayah, 1: 477; Al-Lubab fi Sharh al-Kitab, 2: 287]

(إذا أحضر الرجل) أي قرب من الموت ... (ووجه إلى القبلة على شقه الأيمن)

[Al-Inayah Sharh al-Hidayah, 1: 477; Al-Lubab fi Sharh al-Kitab, 2: 287; Marāqī al-Falāh Sharh Nur al-Idhah, 137, Maktabah Imdadiyah]

هذا هو السنة

[Al-Lubab fi Sharh al-Kitab, 2: 287; Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 566, Dar Tabā', Damascus]

ولكن قال الزيلعي في نصب الراية 1/942: لم أجد له شاهدا. اهـ

والمختار أن يوضع مستلقاً على فخاه نحو القبلة؛ لأنه أسير لخروج روحه (جوهرة). وإن شق عليه ترك على حاله

[Al-Lubab fi Sharh al-Kitab, 2: 287; Al-Jawharat an-Niyyarah, p. 130, Mir Muhammad Kutub Khana, Karachi]

(يوجه المحتضر) وعلمته استرخاء قدميه، واعوجاج منخره وانخفاف صدغيه (القبلة) على يمينه هو السنة (وجاز الاستلقاء) على ظهره (وقدماه إليها) وهو المعتاد في زماننا (و) لكن (يرفع رأسه قليلاً) ليتوجه للقبلة (وقيل يوضع كما تيسر على الأضحية) صححه في المبتغى (وإن شق عليه ترك على حاله)

[Al-Durr al-Mukhtār ma'a Radd al-Muhtār, 2: 189, H.M. Saeed Company; Al-Bahr al-Rā'iq, 2: 298, H. M. Saeed; Gunyat al-Mutamalli fi Sharhi Munyat al-Musalli, p. 576, Maktabah Rashidiyyah]

وجاز الاستلقاء على ظهره، اختاره مشايخنا ما وراء النهر، لأنه أسير لمعالجته، ولكن تُرفع رأسه قليلاً ليصير وجهه إلى القبلة دون السماء

[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 566]

(يلقن) ندباً، وقيل: وجوباً (بذكر الشهادتين)

[Ad-Durr al-Mukhtar ma'a Radd al-Muhtar, 2: 190, H.M. Saeed Company; Al-Bahr ar-Ra'iq, 2: 299, Maktabah Rashidiyyah; Al-Fatwa al-Alamgiriyyah, 1: 157, Maktabah Rashidiyyah]

عن أبي هريرة رضي الله تعالى عنه قال: قال رسول الله صلى الله تعالى عليه وسلم: لقتوا موتاكم لا إله إلا الله
[Saheeh Muslim, 1: 300, Qadimi Kutub Khana]

عن معاذ بن جبل رضي الله تعالى عنه قال: قال رسول الله صلى الله تعالى عليه وسلم: من كان آخر كلامه لا إله إلا الله دخل الجنة
[Sunan Abi Dawud, 2: 88, Maktabah Imdadiyyah]

وقوله (لَقِنِ الشَّاهِدَةَ) ثَلَاثَتَهَا أَنْ يَقَالَ عِنْدَهُ وَهُوَ يَسْمَعُ، وَلَا يَقَالَ لَهُ قُلْ لَأَنَّ الْحَالَّ صَعِبَ عَلَيْهِ فَرَفَّاهُ مَتَمَنِّعٌ عَنْ ذَلِكَ وَالْعِيَاذُ بِاللَّهِ

[Al-Inayah Sharh al-Hidayah, 1: 477; Al-Jawharat an-Niyyarah, p. 130; [Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 567]

وَإِذَا قَالَهَا مَرَّةً كَفَاهُ، وَلَا يَحْتَاجُ إِلَى أَنْ يَتَكَلَّمَ بِكَلَامٍ غَيْرِهِ؛ لِتَكُونَ آخِرَ كَلَامِهِ

[Al-Lubab fi Sharh al-Kitab, 2: 287; Al-Jawharat an-Niyyarah, p. 130; [Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 567]

وصورة التطبيق أن يقال عنده في حالة النزوع جهرا وهو يسمع أشهد أن لا إله إلا الله وأشهد أن محمدا رسول الله

[Al-Jawharat an-Niyyarah, p. 130, Mir Muhammad Kutub Khana, Karachi]

ويحسن أن يُقَالُ

[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 566]

(وَيُسَمَّيْتُمْ لِأَقْرَبِيهِ الْمُحَقَّقَ وَأَصْدَقَائِهِ وَجِيرَانِهِ الدُّخُولَ عَلَيْهِ) لِلْقِيَامِ بِحَقِّهِ وَالِاسْتِنَاسِ بِهِمْ وَتَذَكُّرِهِمْ إِيَّاهُ مَا يَنْفَعُهُ مِنْ وَصِيَّةٍ وَنَحْوِهَا، وَيَتَجَرَّعُهُ الْمَاءَ، لِأَنَّ الْعَطَشَ يَغْلِبُ لَشِدَّةِ النَّزْعِ حِينَئِذٍ... وَيَحْصِنُونَ ظَنَّهُ بِاللَّهِ تَعَالَى، لِغَيْرِ مُسَلِّمٍ - لَا يَمُوتُونَ أَحَدُكُمْ إِلَّا وَهُوَ يُحْسِنُ الظَّنَّ بِاللَّهِ ... (وَيَقُولُونَ عِنْدَهُ سُورَةُ يَس) لِغَيْرِ - أَقْرَبُوا عَلَى مَوْتَاكُم يَس ... وَقَالَ: لِلْمَرَادِ بِهِ مَنْ حَضَرَهُ الْمَوْتُ ... (وَأَشْتَعَلْنَ بَعْضُ الْمَتَابِعِينَ سُورَةَ الرَّعْدِ) لِأَنَّهَا تَسْهَلُ طُلُوعُ الرُّوحِ، لِقَوْلِ جَابِرٍ: فَإِذَا تَهَوَّنَ عَلَيْهِ خُرُوجُ رُوحِهِ

[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 569-70]

(والصلاة عليه) صَفَتُهَا (فَرَضَ كَفَايَةً) بِالْإِجْمَاعِ ... (كَدَفَنِهِ) وَغَسَلَهُ وَتَجَهَّزَهُ، فَإِذَا فَرَضَ كَفَايَةً

[Ad-Durr al-Mukhtar ma'a Radd al-Muhtar, 2: 207, H. M. Saeed Company; Bada' I as-Sana' I, 2: 60, Maktabah Rashidiyyah]

دفن الميت فرض على الكفاية

[Al-Fatawa al-Alamgiriyyah, 1: 165, Maktabah Rashidiyyah]

فَإِذَا مَاتَ شُدَّ لِحْيَاهُ وَخُصَّتْ عَيْنَاهُ

[al-Hidayah ma'a Al-Inayah, 1: 477]

(فَإِذَا مَاتَ شُدُّوا لِحْيَتَهُ) بِعَضَائِمِهِ مِنْ أَسْفَلِهَا، وَكُرِطَ فَوْقَ رَأْسِهِ، (وَعُقْمُضُوا عَيْنَيْهِ) تَحْسِينًا لَهُ

[Al-Lubab fi Sharh al-Kitab, 2: 288; Gunyat al-Mutamalli ala Sharh Munyat al-Musalli (Halabi Saghir), p. 333, Dar an-Nashr al-Ilmiyyah; Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 570]

فَإِذَا مَاتَ شُدَّ لِحْيَاهُ) ... (وَعُقْمُضَ عَيْنَاهُ) لِقَوْلِهِ عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ: إِذَا حَضَرْتُمْ مَوْتَاكُمْ فَأَعِضُوا الْبَصَرَ، فَإِنَّ الْبَصَرَ يَتَّبِعُ الزَّوْجَ، وَقُولُوا خَيْرًا فَإِنَّ لِلْمَلَائِكَةِ ثَوْنًا عَلَى مَا قَالَ أَهْلُ الْبَيْتِ.

[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 570]

[Gunyat al-Mutamalli fi Sharh Munyat al-Musalli, p. 576, Rashidiyyah]

وَيَنْبَغِي أَنْ يَتَوَلَّى ذَلِكَ أَرْفَقُ أَهْلِهِ بِهِ.

[Al-Lubab fi Sharh al-Kitab, 2: 288]

وَيَقُولُ مُعَقَّمُهُ: بِسْمِ اللَّهِ، وَعَلَى مَا لَمْ يَسَلِّمْ اللَّهُ، اللَّهُمَّ يَسِّرْ لَهُ أَمْرَهُ وَسَهِّلْ عَلَيْهِ مَا بَعْدَهُ، وَأَسْعِدْهُ بِلِقَائِكَ، وَاجْعَلْ مَا خَرَجَ إِلَيْهِ خَيْرًا مِمَّا خَرَجَ عَنْهُ

[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 570; Gunyat al-Mutamalli fi Sharh Munyat al-Musalli, p. 576, Rashidiyyah]

وصورته أن يتولى أرفق أهله أما والده أو والده

[Al-Jawharat an-Niyyarah, p. 131]

قَالَ الْكَمَالُ، ثُمَّ يَسْجُو بِتَوْبٍ

[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 570]

وَيُحْضَرُ عِنْدَهُ الطَّيِّبُ

[Al-Lubab fi Sharh al-Kitab, 2: 288]

(وَيُوضَعُ عَلَى بَطْنِهِ حَدِيدُهُ لئَلَّا يَنْتَفِخَ) ... وَإِنْ لَمْ يَوْجَدْ فَيُوضَعُ عَلَى بَطْنِهِ شَيْءٌ ثَقِيلٌ

[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 570]

[Gunyat al-Mutamalli fi Sharh Munyat al-Musalli, p. 577, Rashidiyyah]

(وَيُوضَعُ بِيَدَيْهِ بِحَبْنَتَيْهِ وَلَا يَجُوزُ وَضْعُهُمَا عَلَى صَدْرِهِ) ... وَتَلْكَ مَفَاصِلُهُ وَأَصَابِعُهُ

[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 571]

(وذكره قرامة القرآن عنده حتى يغسل) تنزيها للقرآن عن نجاسة الميت

[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 571]

ويستحب أن يسارع إلى قضاء دينه، أو إبرائه منه، لأن نفس الميت معلقة بدينه حتى يقضى عنه ويسرع في جهازه

[Al-Lubab fi Sharh al-Kitab, 2: 289; Al-Jawharat an-Niyyarah, p. 131]

ويستحب أن يعلم جيرانه وأصدقائه بموته حتى يؤدوا حقه بالصلاة عليه والدعاء له

[Al-Jawharat an-Niyyarah, p. 131]

(ولا بأس بإعلام الناس بموته) بل يتدب لكثرة المصلين ... وقال في النهاية: فإن كان عالما أو زاهدا أو عمن يتبرك به، فقد استحسن بعض المتأخرين النداء في الأسواق

لمنازله وهو الأصح انتهى. وكثير من المشايخ لم يروا بأسا بأن يؤذن للجنازة ليؤدي أقاربه وأصدقائه حقه كذا في (التاتارخانية) عن (النيابغ)

[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 571]

وإذا تيقن موته (تُعجل بتجهيزه) إكراما له

[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 571]

(يتدب دفنه في جهة موته) ... (وتجهيزه) أي تجهيز جهازه عقب تحقق موته، ولذا كره تأخير صلاته ودفنه ليصلي عليه جميع عظيم بعد صلاة الجمعة

Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 239, H. M. Saeed Company; Tabyin al-Haqā'iq, 1: 588, H.

M. Saeed Company; Al-Bahr ar-Rā'iq, 2: 341, Maktabah Rashidiyyah]

على المعتدة أن تعتد في المنزل الذي يضاف إليها بالسكنى حال وقوع الفرقة والموت

[al-Hidāyah, 2: 428-9, Mkatabah Shirkat ilmiyyah Multan; al-Fatawa al-Hindiyyah, 1: 535, Maktabah

Rashidiyyah; Tabyin al-Haqā'iq, 3: 271, Dar al-Kutub al-Ilmiyyah Beirut]

وإذا وجب الاعتداد في منزل الزوج فلا بأس بأن يسكن في بيت واحد إذا كان عدلا سواء كان الطلاق رجعيا أو بلنا أو كذا والأفضل أن يحال بينهما في البيوتة بستر إلا

أن يكون الزوج فاسقا فيقال بامرأة ثقة تقدر على الحيلولة بينهما وإن تعذر فلتخرج هي وتعتد في منزل آخر، وكذا لو ضاق البيت وإن خرج هو كل أولي ولهما أن

يسكن بعد الثلاث في بيت إذا لم يلتقيا التقاء الأزواج ولم يكن فيه خوف فتنه لعب

وهكذا صرح في الهداية بأن خروجه أولى من خروجها عند العذر ولعل المراد أنه أرجح فيجب الحكم به

[Al-Bahr ar-Rā'iq, 4: 261, Maktabah Rashidiyyah; Tabyin al-Haqā'iq, 3: 271-2, Dar al-Kutub al-Ilmiyyah, Beirut; al-Fatāwā at-Tātarikhāniyah, 4: 69, Idārah al-Qur'ān wa al-Uloom al-Islāmiyyah; Fatāwa

Mahmūdiyyah, 13: 391, Dar al-Iftaa Jamiah Farūqiyyah Karāchi]

The woman may only leave out of dire necessity: to earn livelihood if no other possible alternative and when fearing death or calamity on self, residence or wealth.

وتعتدان. أي معتدة طلاق وموت في بيت وجبت فيه، ولا تخرجان منه إلا أن تخرج أو ينهدم المنزل أو تخاف لتهدامه أو تلف ماله أو لا تجد كراء البيت ونحو ذلك

من الضرورات

[Radd al-muhtār ala ad-Durr al-Mukhtār, 3: 536, H.M. Saeed Company; Al-Bahr ar-Rā'iq, 4: 259,

Maktabah Rashidiyyah; Tabyin al-Haqā'iq, 3: 271-2, Dar al-Kutub al-Ilmiyyah, Beirut; al-Fatāwā

at-Tātarikhāniyah, 4: 70, Idārah al-Qur'ān wa al-Uloom al-Islāmiyyah; Fatāwa Mahmūdiyyah, 13: 395,

Dar al-Iftaa Jamiah Farūqiyyah Karāchi]

وليتو في عنها زوجها تخرج بالنهار لحاجتها إلى نفقتها، ولا تبيت إلا في بيت زوجها، فظاهره أنها لو لم تكن محتاجة إلى النفقة، لا يباح لها الخروج نهارا

[Al-Bahr ar-Rā'iq, 4: 259, Maktabah Rashidiyyah; Tabyin al-Haqā'iq, 3: 271, Dar al-Kutub al-Ilmiyyah

Beirut; al-Fatāwa al-Hindiyyah, 1: 534, Maktabah Rashidiyyah; Fatāwa Mahmūdiyyah, 13: 394/6, Dar

al-Iftaa Jamiah Farūqiyyah Karāchi]

[Fatāwā Mahmūdiyyah, 13: 408, Dar al-Iftaa Jamiah Farūqiyyah, Karachi]

(وإذا مات الرجل عن امرأته الحرة) دخل بها أولا، صغيرة كانت أو كبيرة، مسلمة أو كاتبة، حاضة في ولادة أو تمض، كما في خزانة المفتين (فعدتها أربعة أشهر

وعشرة أيام، لقوله تعالى (ويذرون أزواجهن بأفوهن أربعة أشهر وعشراً) ... (وإن كانت) امرأة لميت (حاملها فعدتها أن تضع حملها) أيضاً، لإطلاق قوله تعالى:

(وأولدت الأحمال أجلهن أن يضعن حملهن)

[Al-Lubāb fi Sharh al-Kitāb, 4: 200, Dār al-Bashā'ir al-Islāmiyyah]

وقوله (وعدة العز في الوفاة أربعة أشهر وعشرة أيام لقوله تعالى (والذين يتوفون منكم ويذرون أزواجهن يتربصن بأفوهن أربعة أشهر وعشراً) (تسع قوله تعالى

(وتسعة لأزواجهن) متاعاً إلى العز غير إخراج: ... (وإن كانت) حاملاً فعدتها أن تضع حملها لإطلاق قوله تعالى (وأولدت الأحمال أجلهن أن يضعن حملهن) (وتسعة

مدهن عز أربعين يوماً مشغوداً رضي الله عنهم

[Al-'Ināyah Sharh al-Hidāyah, 2: 580-1, Dār al-Kutub al-Ilmiyyah]

(و) العدة (لموت أربعة أشهر) بالأهلة لو في الغرة كما مر (وعشرة) من الأيام بشرط بقاء النكاح صحيحا إلى الموت (مطلقا) وطئت أو لا ولو صغيرة، أو كاتبة تحت

مسلم ولو عبدا فلم يخرج عنها إلا الحامل.

[Radd al-Muhtār ala ad-Durr al-Mukhtār, 3: 510, H.M. Saeed Company]

(و) العدة (للموت أربعة أشهر) بالأهلة لو في الغرة كما مر (وعشر) من الأيام بشرط بقاء النكاح صحيحا إلى الموت (مطلقا) وطئت أو لا ولو صغيرة أو كتابية تحت مسلم ولو عبدا فلم يخرج عنها إلا الحامل.

(قوله): فلم يخرج عنها إلا الحامل، فإن عدتها للموت وضع الحمل كما في البحر، وهذا إذا مات عنها وهي حامل، أما لو حبلت في العدة بعد موته فلا تغير في الصحيح كما يأتي قريبا ...

قال: وأعلم أن للعدة لو حملت في عدتها ذكر الكرخي أن عدتها وضع الحمل ولم يفصل، والذي ذكره محمد أن هذا في عدة الطلاق، أما في عدة الوفاة فلا تغير بالحمل وهو الصحيح كذا في البدائع اهـ.

وفي البحر عن التلخاخية: للعدة عن وطء شبهة إذا حبلت في العدة ثم وضعت انقضت عدتها، وفيه عن الغانية: يلتفتي عنها زوجها إذا ولدت لأكثر من سنتين من الموت حكم بانقضاء عدتها قبل الولادة بسنة أشهر وزيادة، فجعل كأنها تزوجت بآخر بعد انقضاء العدة وحبلت منه

[Radd al-Muhtar ala al-durr al-Mukhtar, 3: 510-11, H.M. Saeed]

(وإذا مات الرجل عن امرأته الحرة) دخل بها أولاد صغيرة كانت أو كبيرة، مسلمة أو كتابية، حاضة في البلدة أو لم تحض، كما في غزاة المفتين (فعدتها أربعة أشهر وعشرة) أيام، لقوله تعالى (ويذرون أزواجهن يتيمسن بأنفسهن أربعة أشهر وعشراً) ... (وإن كانت) امرأة لم يمت (حاملة فعدتها أن تضع حملها) أيضاً لإطلاق قوله تعالى: (وأولدت الأحمال أجلهن أن يضعن حملهن)؛

[al-Lubāb fi Sharh al-Kitāb, 4: 200, Dār al-Bashā'ir al-Islāmiyyah]

وقوله (وعدة الحرة في الوفاة أربعة أشهر وعشرة) أيام لقوله تعالى (وَالَّذِينَ يَتَّبِعُونَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا) (تَسَبَّحُ فَؤَادُهُ تَعَالَى وَصِيَّةً لِأَزْوَاجِهِمْ مَتَاعًا فِي الْحَيَاةِ الدُّنْيَا لِيُغْزِغَ عَنْهُمْ) ... (وَإِنْ كَانَتْ حَامِلًا فَعِدَّتُهَا أَنْ تَضَعَ حَمْلَهَا لِإِطْلَاقِ قَوْلِهِ تَعَالَى (وَأُولَئِكَ أَجْمَالُ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ) (وَهُوَ مَذْهُبُ عَمَرٍ وَلَيْسَ مُشْعُونٌ رَضِيَ اللَّهُ عَنْهُمَا

[al-'Ināyah Sharh al-Hidāyah, 2: 580-1, Dār al-Kutub al-'Ilmiyyah]

وذكر أن محل الكراهة إذا كان قريبا منه، أما إذا بعد عنه بالقراءة فلا كراهة ...

[Radd al-Muhtar ala al-Durr al-Mukhtar, 2: 194, H.M. Saeed; al-Fatāwā al-Hindiyyah, 1: 157, Maktabah Rashidiyyah]

وتكره القراءة عنده حتى يغسل ويسرع في تجهيزه

[Guniyat al-Mutamalli (Halabi al-Kabir), p. 577, Rashidiyyah]

The method of bathing can be found in: [Al-Lubab fi Sharh al-Kitab, 2: 290-2, Dar al-Basha'ir al-Ila-miyyah & Dar as-Siraj; Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 572-5]

فيقتض غسل الميت كفاية

[Nur al-Idhah ma'a Maraqi al-Falah, p. 23, Maktabah Imdadiyyah, Multan]

وقدّم الغسل لأنه أول ما يُصنّف به، وهو واجب على الأحياء بالإجماع

[Al-'Ināyah Sharh al-Hidāyah, 1: 478]

(والصلاة عليه) صفتها (فرغ كفاية) بالإجماع ... (كدفنه) وغسله وتجهيزه، فإنها فرض كفاية

[Al-Durr al-Mukhtar ma'a Radd al-Muhtar, 2: 207; Badā'ī al-Sanā'i, 2: 24, Rashidiyyah; al-Fatāwā aal-Hindiyyah, 1: 158, Rashidiyyah]

وينبذ أن يكون الغاسل أقرب الناس إلى الميت، وإلا لأهل الإمامة والورع، كما في (شرح للمقدي)

[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 574]

والأول كونه أقرب الناس إليه، فإن لم يحسن الغسل فأهل الأئمة والورع

[Al-Durr al-Mukhtar ma'a Radd al-Muhtar, 2: 202; al-Bahr al-Rā'iq, 2: 306, Rashidiyyah; al-Fatāwā aal-Hindiyyah, 1: 159, Rashidiyyah]

(ولمّا نُفْسُ زوجها) لعل منه، وانظر إليه لبقاء العدة، فلو ولدت عقب موته لم تغسله ... (خلافة) الرجل فإنه لا يغسل زوجته لإقطاع النكاح

[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 575]

يجوز أن تغسل المرأة زوجها بالإجماع أما غسله زوجته فغير جائز عندنا وهو قول الثوري والأوزاعي

[Guniyat al-Mutamalli (Halabi al-Kabir), p. 604, Maktabah Rashidiyyah]

For a detail explanation on why the husband is not allowed to bathe his wife, see: Imdād al-Fatāwā, 1: 565-70, Maktabah Dār al-'Ulūm Karachi; Guniyat al-Mutamalli (Halabi al-Kabir), p. 604, Maktabah Rashidiyyah]

ومنع زوجها من غسلها ومسها، لا من النظر إليها على الأصح

[Al-Durr al-Mukhtar ma'a Radd al-Muhtar, 2: 198; Fatawa Mahmoodiyyah, 9: 63, Dar al-Iftaa Jamiah Farooqiyyah; Imdād al-Fatāwā, 1: 582-3, Maktabah Dār al-'Ulūm Karāchi; al-Fatāwā al-Hindiyyah, 1: 160, Rashidiyyah, Ahsan al-Fatāwā, 4: 225, H.M. Saeed Company]

(ولو ماتت امرأة مع الرجال) المحارم وغيرهم (يمسوها، يعكسها) وهو موت رجل بين النساء ولو كن من محارمه يمسها (ببشرقة) تلف على يد لليم الأجنبي حتى لا

- يمس الجسد، ويغض بصره عن ذراعي المرأة ولو عجزوا
[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 575]
- لو ماتت امرأة مع الرجال تيممونها كعكسه بخرفة، وإن وجد ذو رحم محرم تيمم بلا خرفة
[Nur al-Idhah ma'a Marāqī al-Falāh, p. 572-3, Qadimi Kutub Khana; Gunyat al-Mutamalli (Halabi al-Kabir), p. 577, Rashidiyyah] For a further discussion, see: Bad' al-Sanā' I, 2: 34, Maktabah Rashidiyyah]
- (ويجوز للمرأة غسل صبيٍّ وصبيّةٍ لم يُختنوا) لأنه ليس لأعضائهما حكم العورة
[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 575]
- (ولا بأس بتقبيل لبيت) كذا في (اللمتبي) لأن القبلة محبة، وتبركا، وتوديعا خالصة عن المحذور
[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 575]
- واعتلّف في الزوج، والفتوى على وجوب كفنها عليه
[Al-Durr al-mukhtār ma'a Radd al-Muhtār, 2: 206, H.M. Saeed]
- وعلى قول أبي يوسف رحمه الله تعالى يجب الكفن علي الزوج وإن تركت مالا وعليه الفتوى
[al-Fatāwā al-Hindiyyah, 1: 161, Rashidiyyah; al-Bahr al-Rā'iq, 2: 311, Rashidiyyah; Hashiyat al-Tahtāwī alā Marāqī al-Falāh, p. 573-4, Qadimi Kutub Khāna]
- وأما غسل الميت فتلقاوا: لا تشترط لصحة الصلاة عليه، وتحصيل طهارته، وإثما هي شرط لإسقاط الفرض عن ذمة المكلفين
[Al-Ashbah wa an-Naza'ir ma'a Sharh al-Hamawi, 1: 70, Idarah al-Qur'an wa al-Ulom al-Ilamiyyah, Karachi]
- وهذا لإسقاط الواجب عنه، لا لصحة الصلاة عليه
[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 574]
- ميت غسله أهله من غير نية الغسل، أجزأهم ذلك
[Fatāwā Qādhi Khān alā hāmish al-Fatāwā al-Hindiyyah, 1: 187, Rashidiyyah; al-Bahr al-Rā'iq, 2: 304, Rashidiyyah]
- فلخص: أنه لا بد في إسقاط الفرض من الفعل. وأما النية فمطر التحصيل الثواب؛ ولذا صح تغسيل الذمية زوجها للمسلم مع أن النية شرطها الإسلام فيسقط الفرض عنا بفعلنا بدون نية،
[Radd al-Muhtār alā al-Durr al-Mukhtār, 2: 200, H.M. Saeed]
- (ويوضع) كما مات (كما تيسر) في الأصح (على سرير مجمر وتر) إلى سبع فقط
(قوله في الأصح) وقيل يوضع إلى القبلة طولا، وقيل: عرضا كما في القبر
[Radd al-Muhtār alā al-Durr al-Mukhtār, 2: 194-5, H.M. Saeed; Al-Bahr al-Rā'iq, 2: 300, Rashidiyyah]
- "ويوضع" لميت "كيف اتفق على الأصح" قاله شمس الأئمة السرخسي وقيل عرضا وقيل إلى القبلة
قوله: "وقيل عرضا" أي كما يوضع في القبر قوله: "وقيل إلى القبلة" فتكون رجلاه إليها كالبريض إذا أراد الصلاة بإزاء وفي القهستاني عن المحيط وغيره أنه السنة
[Hashiyat al-Tahtāwī alā Marāqī al-Falāh, p. 567, Qadimi Kutub Khana]
- (ويوضع كما مات على سرير مشجر) أي: مبخر إخفاء لكرهه الرائحة وتعطيها للميت، تجميرا (وتركا)
[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 572]
- وكيفيته: أن يدار بالمجمرة حول السرير
[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 572]
- (ويوضع) كما مات (كما تيسر) في الأصح (على سرير مجمر وتر) إلى سبع فقط
(قوله في الأصح) وقيل يوضع إلى القبلة طولا، وقيل: عرضا كما في القبر أي أده في البحر (قوله مجمر) أي: مبخر، وفيه إشارة إلى أن السرير يجمر قبل وضعه عليه تعظيما
وإزالة للرائحة الكريهة منه نهر (قوله إلى سبع فقط) أي بأن تدار بالمجمرة حول السرير مرة أو ثلاثا أو خمسا أو سبعا، ولا يزداد عليها كما في الفتح والكافي والنهاية، وفي
التيين لا يزداد على خمسة
[Radd al-Muhtār alā al-Durr al-Mukhtār, 2: 194-5, H.M. Saeed]
- [Al-Fatāwā al-Hindiyyah, 1: 158, Rashidiyyah; Al-Bahr al-Rā'iq, 2: 300, Rashidiyyah]
- وإذا أرادوا غسله يستحب أن يضعوه على سرير أو لوح قد جمر أي أدير الجمر بالبخور حوله وترأ خمسا أو سبعا
[Gunyat al-Mutamalli fi Sharh Munyat al-Musalli, p. 577, Rashidiyyah]
- (وجعلوا على عورته خرفة): إقامة لأواجب الشُّرْ وتكتفى بستر العورة الغليظة، هو الصحيح: تيسرا (هداية)
[Al-Lubab fi Sharh al-Kitāb, 2: 290]
- (وتُستر عورته) ما بين سرته إلى ركبته بشد الإزار عليه هو الصحيح، قاله الزيلعي
[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 572]

[Gunyat al-Mutamalli fi Sharh Munyat al-Musalli, p. 578, Rashidiyyah]

ولكن لا يعضفونه ولا يستشقونه؛ للهرج، وقيل: يُفعَلان بخرقة، وعليه للـ ولو كان جنباً أو حائضاً أو نفساء، فيجاء اتفاقاً؛ تميمياً للطهارة (إمداد)

[Al-Lubab fi Sharh al-Kitab, 2: 290; Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 572]

ومن العلماء من قال: يجعل الغسل على إصبعيه خرقة رقيقة ويدخل الإصبع في فيه ومسح أسنانه وشفتيه بها ... قال شمس الأئمة (الحلواني) رحمه الله: وعليه عمل الناس اليوم، كذا في (التأريخية)، وعلى القول بأنه بلا مضمة وإستشاق مضبوط بغير الجنب

[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 572]

ويُسَمَّى إن تيسر؛ لأنه أبلغ في التنظيف

[Al-Lubab fi Sharh al-Kitab, 2: 291]

ويُغسل رأسه ولحيته باليُغمَمَ - يَكسر الماء بكسر الخاء وتفتح وتشديد الياء - نبت بالعراق طيب الرائحة يعمل عمل الصابون؛ لأنه أبلغ في استخراج الوسخ، فإن لم يتيسر فالصابون ونحوه.

[Al-Lubab fi Sharh al-Kitab, 2: 291; Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 573]

ويصح بطئه مسحاً رقيقاً لتخرج فضلاته

[Al-Lubab fi Sharh al-Kitab, 2: 292; Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 573]

ولا يعيد غسله ولا وضوئه؛ لأنه ليس بنافس في حقه، وقد حصل للمأمور به

[Al-Lubab fi Sharh al-Kitab, 2: 292; Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 573]

ثم إذا مسح بطئه فإن سال منه شيء يمسحه كي لا يخلو الكفن، ويغسل ذلك للوضع تطهيرا له عن النجاسة الحقيقية، ولم يذكر في ظاهر الرواية سوى المسح ولا يعيد الغسل ولا الوضوء عندنا.

[Badā'ī al-Sanā'ī, 2: 27, Rashidiyyah; Al-Durr al-Mukhtar ma'a Radd al-Mukhtar, 2: 197; al-Bahr al-Rā'iq, 2: 303, Rashidiyyah]

ثم يضيغ على شقه الأيسر، فيصب للماء عليه ثلاثاً للغسلات المستوعبات جمده إقامة لشدة التلثيث. (إمداد)

[Al-Lubab fi Sharh al-Kitab, 2: 292; Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 573]

ويصب عليه الماء عند كل إضجاع ثلاث مرات (تتوير)

[Al-Lubab fi Sharh al-Kitab, 2: 292]

(ثم يُنَشَفُ بقطب) كيلا تبلل أكفانه

[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 573; Al-Lubab fi Sharh al-Kitab, 2: 292]

ويُجَعَلُ الحنوط يفتح الحاء - عطر مركب من القشياء الطبية، ولا بأس بساتر أنواعه غير الزعفران والورس للرجال

[Al-Lubab fi Sharh al-Kitab, 2: 292; Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 574]

والكافور على مساجده - لأن التطيب شدة والمساجد أول زيادة الكرامة. (هداية)

[Al-Lubab fi Sharh al-Kitab, 2: 293; Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 574]

(مساجده) وهي: جبهته وأذنه ويداها وركبتيه وقدماه

[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 574]

ومن استهل - بالبناء للفاعل - أي وُجد منه ما يدل على حياته من شراخ أو عطاس أو تلاؤب أو نحو ذلك مما يدل على الحياة المستقرّة. بعد الولادة أو خروج أكثره، والعبارة بالصدر إن نزل مستقيماً برأسه، وبسرة إن نزل منكوساً: سمي وغسل وكفن وصلى عليه وورث

[Al-Lubab fi Sharh al-Kitab, 2: 305]

وإن لم يستهل غُسل في المختار (هداية)، وأدرج في غرضه، ولم يُصل عليه. وكذا يُغسل السقط الذي لم يَمُ غُثّاً في المختار، كما في (الفتح)، (والدراية)، ويُسمى. كما ذكره الطحاوي عن أبي يوسف، كذا في (البيان)

[Al-Lubab fi Sharh al-Kitab, 2: 306]

ويندب الغسل من غسل الميت

[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 574; Nur al-Idhah ma'a Maraqqi al-Falah, p.25, Maktabah Imdadiyah, Multan]

ويُحْمَنُ الكفن ... ويكون مما يليه في حياته في الجمعة والعيدين، ويُغسل البياض من القطن

[Al-Lubab fi Sharh al-Kitab, 2: 293; Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 577]

فالأفضل أن يكون التكفين بالثياب البيض

وأما صفة الكفن فالأفضل أن يكون التكفين بالثياب البيض ... والبرود والكتان والقصب كل ذلك حسن، والخلق إذا غسل والجديد سواء ... والحاصل أن ما يجوز لكل جنس أن يليه في حياته يجوز أن يكفن فيه بعد موته حتى يكفن الرجل في الحرير والمصفر والمزعفر، ولا يكفن للنساء ذلك اعتباراً باللباس في حال الحياة.

[Badā'ī al-Sanā'ī, 2: 39, Rashidiyyah; al-Durr al-Mukhtar ma'a Radd al-Mukhtar, 2: 205]

ولم يبقَ لون الكفن ليجوز كل لون، لكن أحبها البياض

[Al-Bahr al-Rā'iq, 2: 308, Rashidiyyah]

- ويكفن لثت كفن مثله، وتفسره: أن ينظر إلى ثيابه في حياته جفجف الجمعة والعديد، فذلك كفن مثله
[Al-Bahr al-Rā'iq, 2: 308, Rashidiyyah; al-Fatāwā al-Hindiyyah, 1: 161, Rashidiyyah]
(وَيُجْمَرُ الْكَفْنُ) للرجل والمرأة جميعاً تجميراً (وتراً قبل أن يُدْرَجَ) الميت (فيها)
[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 579]
فالواضع التي يندب فيها التجمير ثلاثة: عند خروج روحه، وعند غسله، وعند تكفينه
[Al-Lubab fi Sharh al-Kitab, 2: 296]
ولا يُقَصَّ ظفره، ولا يُعْقَصَ شعره؛ لما فيه من قطع جزء منه يُحتاج إلى دفته، فلا ينبغي فصله عنه
[592: 2, batik-la hrahS fi babul-lA]
[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 576-7; Al-Lubab fi Sharh al-Kitab, 2: 293]
ويسن في الكفن له إزار وقميص ولقافة.
[Al-Durr al-Mukhtār ma'a Radd al-Muhtār, 2: 202, H.M. Saeed Company; Gunyat al-Mutamalli (Halabi al-Kabir), p. 580, Rashidiyyah; al-Fatāwā al-Hindiyyah, 1: 160, Rashidiyyah]
وفي البدائع: فإن كان الإزار طويلاً حتى يعطف على رأسه وسائر جسده، فهو أولي
[Al-Bahr al-Rā'iq, 2: 309, Rashidiyyah]
[Fatāwā Mahmūdiyyah, 8: 509, D al-Ifṭā Jamiah Farūqiyyah, Karachi]
قوله ويسن في الكفن إلخ) أصل التكفين فرض كفاية، وكونه على هذا الشكل مستنون شرعياً (قوله له) أي الرجل (قوله إزار إلخ) هو من القرن إلى القدم، والقميص من أصل العنق إلى القدمين ولا دخرير وكمين، واللقافة تزيد على ما فوق القرن والقدم ليلف فيها الميت وتربط من الأعلى والأسفل إمداد.
[Radd al-Muhtār alā al-Durr al-Mukhtār, 2: 202, H.M. Saeed]
(الفصل الثالث في التكفين) وهو فرض على الكفاية، كذا في فتح القدير كفن الرجل سنة إزار وقميص ولقافة وكفاية إزار ولقافة وضرورة ما وجد، هكذا في الكنز والإزار من القرن إلى القدم واللقافة كذلك والقميص من أصل العنق إلى القدم، كذا في الهداية بلا جيب ودخرير وكمين، كذا في الكافي.
[al-Fatāwā al-Hindiyyah]
(قوله وكفته سنة، إزار وقميص ولقافة) لحدِيث البخاري «كفن رسول الله - صلى الله عليه وسلم - في ثلاثة أواب بيض سحويلة، وسحول يفتح السين قرية باليمن والإزار واللقافة من القرن إلى القدم ولنا معنى الشعر واللقافة هي الرداء طولاً وفي بعض نسخ لمختار أن الإزار من المنكب إلى القدم هذا ما ذكره ويبحث فيه في فتح القدير بأنه ينبغي أن يكون إزار الميت كزار الحي من المرة إلى الركبة؛ لأنه - عليه السلام - أعطى اللاتي عُملن أبنته حقنوه، وهي في الأصل معقد الإزار ثم سمي به الإزار للمجولة والقميص من المنكب إلى القدم بلا دخرير؛
[Al-Bahr al-Rā'iq, 2: 307, Rashidiyyah]
For further discussion, see: [Fat'h al-Qadīr, 2: 115, Mustafā al-Bābi; Fatāwā Mahmūdiyyah, 8: 534, Dār al-Ifṭā Jamiah Farūqiyyah, Karāchi]
، وأما اللوب الواحد: فيكره إلا في حالة الضرورة فإن اقتضوا على ثوبين: إزار ولقافة جاز وهذا كفن الكفاية
[392: 2, batik-la hrahS fi babul-lA]
ويجعله: أي يضع للميت في أكفانه، بأن تبسط اللقافة، ثم الإزار فوقها، ثم يوضع الميت مقمّصاً، ثم يُعْطَفَ عليه الإزار ثم اللقافة
[Al-Lubab fi Sharh al-Kitab, 2: 292; Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 578]
ولفّ الإزار من جهة يساره ثم من جهة يمينه ليكون اليمين أعلى، ثم فعل باللقافة كذلك اعتباراً بحالة الميتة
[Imdad al-Fattah Sharh Nur al-Idhah wa Najat al-Arwah, p. 578]
(قوله ولف من يساره ثم يمينه) أي لف الكفن من يسار الميت ثم يمينه وكيفية: أن تبسط اللقافة أولاً ثم الإزار فوقها ويوضع الميت عليهما مقمّصاً ثم يعطف عليه الإزار وحده من قبل اليسار ثم من قبل اليمين ليكون الأيمن فوق الأيسر ثم اللقافة كذلك.
[Al-Bahr al-Rā'iq, 2: 309, Rashidiyyah; al-Durr al-Mukhtār ma'a Radd al-Muhtār, 2: 204, H.M. Saeed]
(ويعقد الكفن إن خيف إن ينتشر) صيانة عن الكشف
[Majma' al-Anhur, 1: 268, Maktabah Gaffariyyah, Quetta]
ويربط إن خيف إنتشاره
[Gunyat al-Mutamalli (Halabi al-Kabir), p. 581 & 596, Maktabah Rashidiyyah]
وتكفن المرأة للثقة في خمسة أواب
[492: 2, batik-la hrahS fi babul-lA; 875, p. hawra' la taja' n aw hahdi-la ruN hrahS hattaF-la dadmi]
وكفتها سنة: جرح وإزار ولقافة وخمار وخرقة تربط ثنيها
[Al-Bahr al-Rā'iq, 2: 307-9, Rashidiyyah; Al-Durr al-Mukhtār ma'a Radd al-Muhtār, 2: 202-3, H.M. Saeed; al-Fatāwā al-Hindiyyah, 1: 160, Rashidiyyah]
فإن اقتضوا على ثلاثة أواب: إزار وخمار ولقافة: جاز، وهذا كفن الكفاية في حقها، ويكره في أقل من ذلك إلا في حالة الضرورة
[Al-Lubab fi Sharh al-Kitab, 2: 294]

ويجعل شعرها صغيرتين على صدرها فوق القميص، ثم تُحْمَرُ بالخمار، ثم يُعطف عليها بالإزار، ثم تُرَبَط العرقفة فوق ذلك تحت الصدر، فوق الثديين، ثم اللقافة [Al-Lubab fi Sharh al-Kitab, 2: 294-5]

(ويعقد الكفن إن غيف إن ينتشر) صيلة عن الكشف

[Majma' al-Anhur, 1: 268, Maktabah Gaffariyah, Quetta]

(وعقد) أي الكفن (إن غيف انتشاره) صيانة عن الكشف. قال - رحمه الله - (وكفنها) أي كفن المرأة (سنة درج وإزار وخمار ولقافة وعرقفة تربط بها ثديها) لحدیث أم عطية - رضي الله عنها - «أن النبي - صلى الله عليه وسلم - أعطى اللواتي غسلن ابنته خمس أثواب» قال - رحمه الله - (وكفناها) أي كفننا كفافة إزار ولقافة (وخمار): لأنها أقل ما تلبسه المرأة حال حياتها وتجاوز الصلاة فيها من غير كراهة فكذا بعد موته، وما دون ذلك كفن الضرورة قال - رحمه الله - (وتلبس الدرج أولا ثم يجعل شعرها صغيرتين على صدرها فوق الدرج ثم الخمار فوقه تحت اللقافة) ثم يعطف الإزار ثم اللقافة كما ذكرنا في حق الرجل ثم العرقفة فوق الأكفان لتلا تتنشر وعرضها ما بين الثدي إلى السرة، وقيل ما بين الثدي إلى الركبة لتلا ينتشر الكفن بالفخذين وقت المني، وما دون الثالثة كفن الضرورة في حق المرأة والمستحب في الأكفان البيض ويكره للرجال المزعفر والمصفر والإبريسم ولا يكره للنساء.

[Tabayin al-Haqā'iq, 1: 569, Dar al-Kutub al-'Ilmiyyah, Beirut]

والمرأى كالبالي، ومن لم ير لهق إن كفن في واحد، جاز

[Al-Durr al-Mukhtār ma'a Radd al-Muhtār, 2: 204, H.M. Saeed]

وآدني ما يكفن في الصبي الصغير لوب واحد وصغيرة لويان

[al-Fatāwā al-hindiyyah, 1: 160, Rashidiyyah; al-Bahr al-Rā'iq, 2: 311, Rashidiyyah]

إذا فرغوا منه صلوا عليه : لأنها فريضة

[692 : 2, battik-la hrahS fi babuL-lA]

الجنائز ... في الصلوة عليه وهي فرض كفاية كما مر وعليه الإجماع

[Gunyat al-Mutamalli fi Sharh Munyat al-Musalli, p.583, Maktabah Rashidiyyah; al-Durr al-Mukhtār

ma'a Radd al-Muhtār, 2: 207, H.M. Saeed]

وهي فرض كفاية. أي الصلوة عليه ... وكذا تكفينه فرض علي الكفاية ولهذا يقدّم علي الدين الواجب عليه، ويجب علي من تجب عليه نفقته وكذا غسله ودفنه فرض علي الكفاية اهـ

[Tabayin al-Haqā'iq, 1: 571, Dār al-Kutub al-'Ilmiyyah, Beirut]

والصلوة علي الجنائز فرض علي الكفاية

[al-Mabsūt li al-Sarkhasi, 2: 109-110 & 179, Maktabah Gaffariyah, Quetta]

الصلوة عليه ككفني ودفنه وتجهيزه فرض كفاية مع عدم انفرد بالخطاب بها ولو امرأة ... فلو انفرد واحد بأن لم يحضر إلا هو، تتيمّن عليه تكفينه ودفنه كما في الضياء والشمني والبرهان اهـ

[Hashiyat al-Tahtāwī alā Marāqī al-Falāh, p. 580-1, Qadimi Kutub Khana]

دليل الفريضة والإجماع منعقد على فرضيتها أيضا إلا أنها فرض كفاية إذا قام به البعض يسقط عن الباقي؛ لأن ما هو الفرض، وهو قضاء حق الميت يحصل بالبعض، ولا يمكن إيجاليها على كل واحد من أحد الناس

[Badā'ī al-Sanā'ī, 2: 36, Rashidiyyah]

فيستحب تقديم إمام الحي : لأنه رضيّه في حياته، فكان أولى بالصلاة عليه في مساته

[Al-Lubab fi Sharh al-Kitab, 2: 296]

ثم الوليّ بتجيب عسوبة النكاح، إلا لأب، فيقدم على الابن اتفاقا

[Al-Lubab fi Sharh al-Kitab, 2: 297]

Up to three days in winter and seven days in summer

إن دفن ولم يصل عليه، شئ على قبره إلى ثلاثة أيام في الشتاء، وسبع أيام في الصيف، ولا يصرى بعد ذلك، والصحيح: ما لم يغلب على الظن تفسده؛ لاختلاف الحال والزمان والمكان. (هداية)

[Al-Lubab fi Sharh al-Kitab, 2: 298]

قال: - رحمه الله - (ويقوم من الرجل والمرأة بحذاء الصدر) لما روى أحمد أن أبا غالب قال صليت خلف أنس على جنازة فقام حيال صدره؛ ولأن الصدر محل الإجماع، ومعدن الحكمة والعلم، وهو أبعد من العورة الغليظة فيكون القيام عنده إشارة إلى أن الشفاعة وقعت لأجل إيمانه، وعن أبي حنيفة وأبي يوسف أنه يقوم من الرجل بحذاء صدره، ومن المرأة بحذاء وسطها؛ لأن أنسا فعل كذلك، وقال هو السنة، وعن سمرة بن جندب أنه قال «صليت وراء رسول الله - صلى الله عليه وسلم - على امرأة ماتت في نفسها فقام وسطها» قلنا الوسط هو الصدر فإن فوه بينه ورأسه وتحت بطنه ورجليه واختلفت الرواية عن أنس على ما تقدم.

[Tabayin al-Haqā'iq, 1: 578, Dār al-Kutub al-'Ilmiyyah, Beirut]

كونه (أي الإمام) بالقرب من الصدر منسوب، وإلا فيحدّاه جزء من الميت جا بد منه، فهستالي ..

[Radd al-Muhtār alā al-Durr al-Mukhtār, 2: 216, H.M. Saeed; al-Fatāwā al-Hindiyyah, 1: 164, Rashidiyyah; Badā'ī al-Sana'ī, 2: 49, Rashidiyyah; al-Mabsūt li al-Sarkhasi, 2: 111, Maktabah Gaffariyah,

Quetta]

- ووصل الجنازة ينوي الصلوة لله تعالى والدعاء للميت؛ لأنه الواجب عليه، فيقول: أصلي الله داعيا للميت
[Al-Durr al-Mukhtār ma'a Radd al-Muhtār, 1: 423, H.M. Saeed; al-Fatāwā al-Hindiyyah, 1: 66, rashidiyyah; Gunyat al-Mutamalli (Halabi al-Kabir), 249, p. Rashidiyyah]
- وإن اشبهه عليه للميت ذكر أم أنفي يقول: نويت أصلي مع الإمام علي من يصلي الإمام
[Al-Durr al-Mukhtār, 1: 423, H.M. Saeed; Gunyat al-Mutamalli (Halabi al-Kabir), p. 249, Rashidiyyah]
- المعتبر فيها عمل قلب اللازم للإرادة وهو أن يعلم هدانيته أي صلوة يصلي، والتلفظ بها مستحب وهو المختار
[al-Durr al-Mukhtār ma'a Radd al-Muhtār, 1: 415, H.M. Saeed; Badā' I al-Sanā' I, 1: 330, Rashidiyyah]
- النية إرادة الدخول في الصلاة والشرط أن يعلم بقلبه هي صلاة يصلي وأدناها ما لو سئل لأمكنه أن يجيب على البديهة وإن لم يقدر على أن يجيب إلا بتأمل لم تجز
صلاته ولا عبرة للذكر باللسان فإن فعله لتجتمع عزمة قلبه فهو حسن كذا في الكافي
[al-Fatāwā al-Hindiyyah, 1: 65, Maktabah Rashidiyyah]
- أما نية إمامة الرجال فلا يحتاج إليها ويصح اقتدائهم به بدون نية إمامتهم
[Badā' I al-Sanā' I, 1: 330, Rashidiyyah; al-Durr al-Mukhtār, 1: 424, H.M. Saeed; al-fatāwā al-Hindiyyah, 1: 66, Rashidiyyah]
- (وركنها) شيان (التكبيرات) الأربع ... (والقيام)
[al-Durr al-Mukhtār ma'a Radd al-Muhtār, 2: 209, H.M. Saeed; Gunyat al-Mutamalli (Halabi al-Kabir), p. 584, Rashidiyyah]
- (وأركانها) التكبيرات والقيام) ... وسنوها أربع ... والرابع من السنن (للدعاء للميت)
[Hashiyat al-Tahtāwī alā Marāqī al-Falāh, p. 580-5, Daral-Kutub al-'Ilmiyyah]
- ومن لا يحسن الدعاء ... ويؤا لا يقضي ركنية الدعاء؛ لأن نفس التكبيرات رحمة للميت وإن لم يدع له
[al-Bahr al-Rā'iq, 2: 321, Maktabah Rashidiyyah; al-Fatāwā al-Hindiyyah, 1: 164, Maktabah Rashidiyyah]
- (ويسلم) وجوبا (بعد) التكبيرة (الرابعة من غير دعاء) بعدها
[Hashiyat al-Tahtāwī alā Marāqī al-Falāh, p. 586, Daral-Kutub al-'Ilmiyyah]
- وكيفيتها: أن يكرر تكبيرة، ويرفع يديه فيها فقط
[892 2, batiK-la hrahS fi babul-la]
- وروي أنه صلى على فاطمة أبي بكر وكبر أربعاً، وعمر صلى على أبي بكر الصديق وكبر أربعاً، فإذا كبر الأول أثنى على الله تعالى وهو أن يقول سبحانه اللهم ويحمدك
إلى آخره.
- وذكر الطحاوي أنه لا افتتاح فيه ولكن النقل والعادة أنهم يستفتحون بعد تكبيرة الافتتاح، كما يستفتحون في سائر الصلوات،
[Badā' I al-Sanā' I, 2: 51, Rashidiyyah]
- وإذا كبر الثانية يأتي بالصلاة على النبي - صلى الله عليه وسلم - وهي الصلاة للبروفة وهي أن يقول: اللهم صل على محمد وعلى آل محمد إلى قوله إنك حميد
مجيد،
[Badā' I al-Sanā' I, 2: 51, Rashidiyyah; al-Bahr al-Rā'iq, 2: 321, Rashidiyyah; Al-Durr al-Mukhtār ma'a Radd al-Muhtār, 2: 212, H.M. Saeed Company]
- وإذا كبر الثالثة يستغفرون للميت ويستغفرون وهذا؛ لأن صلاة الجنازة دعاء للميت والسنة في الدعاء أن يقدم الحمد، ثم الصلاة على النبي - صلى الله عليه وسلم
- ثم الدعاء بعد ذلك ليكون أرحم أن يستجاب، والدعاء أن يقول اللهم اغفر لعينا وميتنا إن كان يحسنه، وإن لم يحسنه يذكر ما يدعو به في التشهد اللهم اغفر
للمؤمنين والمؤمنات إلى آخر هذا إذا كان بالغاً، فأما إذا كان صبياً فإنه يقول: اللهم اجعله لنا فرطاً وذخراً وشفعه فينا كذا روي عن أبي عتيقة وهو المروي عن النبي
- صلى الله عليه وسلم -
[Badā' I al-Sanā' I, 2: 51, Rashidiyyah]
- (ويدعوا بعد الثالثة) بأمر الأجرة ولما أورد أولي
[al-Durr al-Mukhtār ma'a Radd al-Muhtār, 2: 212, H. M. Saeed; al-Bahr al-Rā'iq, 2: 321, Rashidiyyah]
- [Sunan Ibn Majāh, 1496; Sunan Abi Dāwud, 3201; Sunan al-Nasai, 10919; Sunan al-Tirmidhi, 1024]
- Gunyat al-Mutamalli (Halabi al-Kabir), p. 586, Rashidiyyah; Halābi al-Saghīr, p. 338, Dar
al-Nashral-'Ilmiyyah; Al-'Ināyah Sharh al-Hidāyah, 1: 489, dār al-Kutub al-'Ilmiyyah]
- وهي أربع تكبيرات يقرأ دعاء الإِسْتِفْتَاة عقيب الأولى كما في سائر الصلوات ويصلي على النبي صلى الله عليه وسلم عقيب الثانية كما بعد التشهد لأن التثنية والصلاة
عليه السلام سنة الدعاء ويدعو لنفسه والميت وسائر المسلمين عقيب الثالثة ويسلم عقيب الرابعة من غير أن يقول شيئا في ظاهر الرواية
[Gunyat al-Mutamalli (Halabi al-Kabir) fi Sharh Munyat al-Musali, p. 585-6, Maktabah Rashidiyyah]
- ثم يكرر التكبيرة الرابعة ويسلم تسليمين؛ لأنه جاء أولان التحلل، وذلك بالسلم وهل يرفع صوته بالتسليم لم يتعرض له في ظاهر الرواية، وذكر الحسن بن زياد أنه لا
يرفع صوته بالتسليم في صلاة الجنازة؛ لأن رفع الصوت مشروع للإعلاء، ولا حاجة إلى الإعلاء بالتسليم في صلاة الجنازة؛ لأنه مشروع عقب التكبيرة الرابعة بلا فصل،
ولكن العمل في زماننا هذا يخالف ما يقواه الحسن، وليس في ظاهر المذهب بعد التكبيرة الرابعة دعاء سوى السلام،

[Badā'ī al-Sanā'ī, 2: 51, Rashidiyyah]

ولا يعتقد بعد التكبير الرابع؛ لأنه لا يبقى ذكر مسنون حتى يعقد فالصحيح أنه يعل اليدين، ثم يسلم تسليمين هكذا في الذخيرة

[Khulāsāt al-Fatāwā, 1: 225, Rashidiyyah]

وهو سنة قيام له قرار فيه ذكر مسنون فيضع حالة الشاء وفي القنوت وتكبيرات الجنابة

[Al-Durr al-Mukhtār ma'a Radd al-Muhtār, 1: 487-8, H.M. Saeed; al-Hidāyah, 1: 102, Shirkah 'Ilmiyyah]

Many contemporary scholars including Mufti Aẓiz al-Rahmān in [Fatāwā Dār al-'Ulūm Deoband, 5: 218, Dār al-Ishā'at Karachi], Mufti Abd al-Rahim Lājpūri in [Fatāwā Rahimiyyah, 7: 38, Dār al-Ishā'at] and Mufti Mahmūd Hasan Gangohi in [Fatāwā Mahmūdiyyah, 8: 555-9, Dār al-Ifṭā Jāmiyah Farūqiyyah, Karachi] (may Allah be pleased with them all), have given preference to the last option

For further discussion on the topic see: Fatāwā Rahimiyyah, 7: 38, Dār al-Ishā'at, Karachi & Fatāwā Dār al-'Ulūm Deoband, 5: 218, Dār al-Ishā'at Karachi]

وأما بيان ما يكره فيها فنقول: ذكره الصلاة على الجنابة عند طلوع الشمس وغروبها، ونصف النهار لما روينا من حديث عقبة بن عامر أنه قال: «ثلاث ساعات نهانا رسول الله - صلى الله عليه وسلم - أن نصل فيها وأن نغير فيها موتنا» وللمراد من قوله: "أن نغير فيها موتنا" الصلاة على الجنابة دون الدفن إذ لا بأس بالدفن في هذه الأوقات فإن صلوا في أحد هذه الأوقات لم يكن عليهم إعادتها؛ لأن صلاة الجنابة لا يتعين لأدائها وقت فغي أي وقت صليت وقعت آداءه لا قضاء، ومعنى الكراهة في هذه الأوقات يمنع جواز القضاء فيها دون الآداء، كما إذا أدى عصر يومه عند تغير الشمس على ما ذكرنا فيما تقدم، ولا تكرر الصلاة على الجنابة بعد صلاة الفجر، ويعد صلاة العصر قبل تغير الشمس؛ لأن الكراهة في هذه الأوقات ليست لمعنى في الوقت فلا يظهر في حق الفرائض لما بينا فيما تقدم.

[Badā'ī al-Sanā'ī, 2: 57-8, Rashidiyyah]

ثلاث ساعات لا تجوز فيها المكتوبة ولا صلاة الجنابة ولا سجدة التلاوة إذا طلعت الشمس حتى ترتفع وعند الانقضاء إلى أن تزول وعند إصرارها إلى أن يغيب إلا عصر يومه ذلك فإنه يجوز أدائه عند الغروب. هكذا في فتاوى قاضي خان قال الشيخ الإمام أبو بكر محمد بن الفضل ما دام الإنسان يقدر على النظر إلى قرص الشمس فهي في الطلوع.

كذا في الخلاصة هذا إذا وجبت صلاة الجنابة وسجدة التلاوة في وقت مباح وأغرتا إلى هذا الوقت فإنه لا يجوز قطعاً أما لو وجبت في هذا الوقت وأدبنا فيه جاز؛ لأنها أدبت ناقصة كما وجبت.

[al-Fatāwā al-Hindiyyah, 1: 52, Rashidiyyah; al-Bahr al-Rā'iq, 1: 432-4, Rashidiyyah]

(وسجدة تلو، وصلاة جنابة طليت) الآية (في كامل وحضرت) الجنابة (قبل) لوجوبه كاملاً فلا يتأدى ناقصاً، فلو وجبت فيها لم يكره قطعها؛ أي تعزيراً.

[al-Durr al-Mukhtār ma'a Radd al-Muhtār, 1: 374, H.M. Saeed]

وإن دُفن بغير صلاة صلي ما لم يغلب علي طننه نفسه

[al-Durr al-Mukhtār ma'a Radd al-Muhtār, 2: 224, H.M. Saeed; al-Fatāwā al-Hindiyyah, 1: 165, Rashidiyyah; al-Bahr al-Rā'iq, 2: 319, Rashidiyyah]

Fatāwā mahmūdiyyah, [8: 551, D al-Ifṭā Jāmiyah Farūqiyyah, Karachi] states:

جب تک اس میں میت سلامت ہو، جس کی مدت عادتاً تین دن ہے

Hence, thesalāh may be observed if within three days.

"وإذا اجتمعت الجنائز بالإفراد بالصلاة لكل منها أول" وهو ظاهر "ويقدم الأفضل والأفضل" إن لم يكن سبق "وإن اجتمعن" ولو مع سبق "وصل عليها مرة" واحدة وصح وإن شاء جعلهم صفاً عريضاً ويقوم عند أحضهم وإن شاء "جعلها" أي الجنائز "صفاً طويلاً مما يلي القبلة بحيث يكون صدر كل" واحد منهم "قدام الإمام" محاذياً له وقال ابن أبي ليلى يجعل رأس كل واحد أسفل من رأسه صاحبه هكذا درجات وقال أبو حنيفة وهو حسن لأن النبي صلى الله عليه وسلم وصاحبه دفنوا هكذا والوضع للصلاة كذلك قال وإن وضعوا رأس كل واحد بعده رأس الآخر فحسن وهذا كل عند التفات في الفضل فإن لم يكن ينبغي أن لا يعدل عن المحاذاة لهذا قال: "وراعي الترتيب" وفي وضعهم "فيجعل الرجال مما يلي الإمام ثم الصبيان بعدهم" أي بعد الرجال "ثم الغلمان ثم النساء" ثم المراهقات ولو كان الكل رجلاً روى الحسن عن أبي حنيفة يوضع أحضهم وأسنهم مما يلي الإمام وهو قول أبي يوسف والحر مقدم على العبد وفي رواية الحسن إذا كان العبد أصح قدم

[Hāshiyat al-Tahtāwī alā Marāqī al-Falāh, p. 592-3, Dār al-Kutub al-'Ilmiyyah]

وإذا اجتمعت الجنائز، لإفراد الصلوة أولى

[Al-Durr al-Mukhtār ma'a Radd al-Muhtār, 2: 218, H.M. Saeed Company; al-Fatāwā al-Hindiyyah, 1: 165, Rashidiyyah]

إذا اجتمعت الجنائز للصلوة، قالوا: الإمام بالخيار إن شاء صلى عليهم دفعة واحدة وإن شاء صلى على كل جنازة صلاة على حدة

[al-Bahr al-Rā'iq, 2: 328, Rashidiyyah]

(وللمسبوق) ببعض التكبيرات لا يكره في الحال بل (ينتظر) تكبير (الإمام ليكره معه) للافتتاح لما مر أن كل تكبيرة كركعة، والمسبوق لا يبدأ بها فإنه. وقال أبو يوسف: يكره حين يحضر (كما لا ينتظر الحاضر) في (حال التحريم) بل يكره اتفاقاً للتحريم، لأنه كالمدرك ثم يكره ما فلقهما بعد الفراغ نسقاً بلا دعاء إن خشياً رفع الميث على الاتفاق. وما في المجتبى من أن للمدرك يكره الكل للحال شاذ نهر (فلو جاء) المسبوق (بعد تكبيرة الإمام لرابعة فاتته الصلاة) لتعذر الدخول في تكبيرة الإمام. وعند أبي يوسف يدخل لبقائه التحريم، فإذا سلم الإمام كبر 33 كما في الحاضر وعليه الفتوى، ذكره الحلبي وغيره -

[Al-Durr al-Mukhtār ma`a Radd al-Muhtār, 2: 216-7, H.M. Saeed; Al-`Ināyah Sharh al-Hidāyah, 490-1, Dār al-Kutub al-`Ilmiyyah; al-Fatāwā al-Hindiyyah, 1: 164-5, Rashidiyyah; Tabyin al-Haqā`iq; al-Bahr al-Rā`iq, 2: 324-5, Rashidiyyah]

أفضل صفوف الرجال في الجنائزة آخرها وفي غيرها أولها إظهارا للتواضع لتكون شفاعاة أوعي للقبول

[Gunya al-Mutamalli (Halabi al-Kabir), p. 588, Maktabah Rashidiyyah; Hashiyat al-Tahtawi alā Marāqī al-Falāh, p. 307, Dār al-Kutub al-`Ilmiyyah]

(قوله في غير جنائزة) أما فيها فأخرجها إظهارا للتواضع لأنهم شفاعاه فهو أخرى يقبل شفاعتهم لأن المطلوب فيها تعدد الصفوف، فلو فضل الأول امتنعوا عن التأخر عند قلتهم رحمته (قوله ثم وثم) أي ثم الصف الثاني أفضل من الثالث، وفي الجنائزة ما يلي الأخير أفضل مما تقدمه [Radd al-Muhtār alā al-Durr al-Mukhtār, 1: 570, H.M. Saeed]

ويستحبوا أن يصفوا ثلاثة صفوف حتى لو كان سبعة يتقدم أحدهم للإمامة ويقف وراءه ثلاثة وراءهم يثنان ثم واحد

[Gunya al-Mutamalli (Halabi al-Kabir), p. 588, Rashidiyyah; al-Fatāwā al-Hindiyyah, 1: 164, Rashidiyyah]

لا يقوم بالدعاء بعد صلوة الجنائزة

[Khulāsat al-Fatāwā, 1: 225, Rashidiyyah, Quetta; al-Fatāwā al-Bazzāziyyah alā hāmish al-Fatāwā al-hindiyyah, 4: 80, Rashidiyyah]

ومن يستهل صلى عليه وإلا لا ... وأفاد بقوله: (ولا لا) أنه إذا لم يستهل، لا يصل عليه

[Al-Bahr al-Rā`iq, 2: 330, Rashidiyyah]

ومن ولد فمات يغسل ويصلى عليه إن يستهل وإلا غسل وسمى ويدرج في غرفة ودفن ولم يصل عليه

[al-Durr al-Mukhtār ma`a Radd al-Muhtār, 2: 227-8, H. M. Saeed; Tabyin al-Haqā`iq, 1: 581, Dār al-Kutub al-`Ilmiyyah, Beirut]

For a very detailed discussion, see [Fatāwā Mahmūdiyyah, 8: 675-90, Dār al-Iftā Jamiah Faruqiyyah Karachi; Halabi al-Kabir, p. 588, Rashidiyyah]

كرهت تحريما في مسجد جماعة هو فيه ويختلف في الخارجة والمختار الكراچه اهـ.

[al-Durr al-Mukhtār ma`a Radd al-Muhtār, 2: 224-5, H.M. Saeed; Al-Bahr al-Rā`iq, 2: 327, Rashidiyyah]

وصلوة الجنائزة في المسجد الذي تقام فيه الجماعة مكروه

[al-Fatāwā al-Hindiyyah, 1: 165, Rashidiyyah]

[Fatāwā Mahmūdiyyah, 8: 707, Dār al-Iftā Jamiah Faruqiyyah Karāchi]

[Fatāwā Mahmūdiyyah, 8: 696, Dār al-Iftā Jamiah Faruqiyyah Karāchi]

(ويسرع بها بلا غيب) أي عندو سريع

(قوله: بلا غيب) وحده التعجيل المسنون أن يسرع به بحيث لا يضطرب الميت على الجنائزة المحدث: "أسرعوا بالجنائزة"

[Radd al-Muhtār ala ad-Durr al-Mukhtār, 2: 231, H. M. Saeed Company; Al-Bahr ar-Ra`iq, 2: 335, Maktabah Rashidiyyah; Bada`i as-Sana`I, 2: 43, Maktabah Rashidiyyah]

ويسرّ لعملها أربعة رجال، وينبغي لكل واحد حملها أربعين خطوة اهـ

[Marāqī al-Falāh Sharh Nur al-Idhah;]

وينبغي أن يحمل من كل جانب عشر خطوات لما روي في الحديث: "من حمل جنائزة أربعين خطوة، كثرت أربعين كبيرة".

[Bada`i as-Sana`I, 2: 43, Maktabah Rashidiyyah; Ad-Durr al-Mukhtār ma`a Radd al-Muhtār, 2: 231, H. M. Saeed Company]

Al-Fatawa al-Hindiyyah, 1: 162, Maktabah Rashidiyyah; Al-Bahr ar-Ra`iq, 2: 338, Maktabah Rashidiyyah

وفي حال اللغي بالجنائزة يقدم الرأس

[Fatawa Tatarkhaniyyah, 2: 151, Idarah al-Qur`an Karachi]

وفي حالة اللغي بالجنائزة يقدم الرأس، كذا في المضمرة

[Al-Fatawa al-Alamgiriyyah, 1: 162, Maktabah Rashidiyyah]

[Fatawa Mahmoodiyah, 9: 35, Dar al-Iftaa Jamiah Farooqiyyah]

عن النبي صلى الله تعالى عليه وسلم أنه كره رفع الصوت عند قراءة القرآن والجنائزة والزحف والتكرار اهـ

[Radd al-Muhtār ala ad-Durr al-Mukhtār, 6: 398/ 2: 233; H. M. Saeed Company; Bada`i as-Sana`I, 2: 46, Maktabah Rashidiyyah]

ويكره رفع الصوت بالذكر وقراءة القرآن وغيرهما في الجنائزة

[Al-Bahr ar-Ra'iq, 2: 336, Maktabah Rashidiyyah]

وعلى متبعية الجنائز الصمت، ويكره لهم رفع الصوت بالذكر وقراءة القرآن

[Al-Fatawa al-Alamgiriyyah, 1: 162, Maktabah Rashidiyyah]

وصفته أن يحفر القبر، ثم يحفر في جانب القبلة منه حفرة، فيوضع فيها الميت

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 234, H. M. Saeed Company; Al-Bahr ar-Ra'iq, 2: 338,

Maktabah Rashidiyyah; Al-Fatawa al-Amagiriyyah, 1: 165, Maktabah Rashidiyyah]

[Fatawa Mahmoodiyah, 9: 46, Dar al-Iftaa Jamiah Farooqiyyah]

في غير دار (مقدار نصف قامة) فإن زاد فحسن (وليد ولا يشق) إلا في أرض رخوة " (وحرر قبره)

(قوله: وليد) لأنه السنة وصفته أن يحفر القبر ثم يحفر في جانب القبلة منه حفرة فيوضع فيها الميت ويجعل ذلك كالبيت للمسقف حلية

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 234, H. M. Saeed Company]

والسنة هو اللحد دون الشق، كذا في محيط السرخسي وصفة اللحد أن يحفر القبر بتمامه ثم يحفر في جانب القبلة منه حفرة فيوضع فيه الميت، كذا في المحيط،

ويجعل ذلك كالبيت المسقف، كذا في البحر الرائق ... وروى الحسن بن زياد عن أبي حنيفة - رحمهما الله تعالى - طول القبر على قدر طول الإنسان وعرضه قدر نصف قامته، كذا في المضمهرات.

[Al-Fatawa al-Hindiyyah, 1: 165-6, Maktabah Rashidiyyah; Al-Bahr ar-Ra'iq, 2: 338, Maktabah Rashidiyyah]

ولا بأس باتخاذ تابوت له عند الحاجة كعباءة الأرض

[Ad-Durr al-Mukhtar ma'a Radd al-Muhtar, 2: 234-5; Al-Fatawa al-Alamgiriyyah, 1: 166, Maktabah Rashidiyyah]

وإن تعذر اللحد، فلا بأس بتابوت يتخذ للميت، لكن السنة أن يقرش فيه التراب

[Al-Bahr ar-Ra'iq, 2: 336, Maktabah Rashidiyyah]

وذكر الرجم للمرحوم أول يداخل المرأة من غيرهم، كذا في الجوهرة النيرة. وكذا ذو الرحم غير المحرم أول من الأجنبي، فإن لم يكن فلا بأس للأجانب وضعها، كذا في البحر الرائق

[Al-Fatawa al-Alamgiriyyah, 1: 166, Maktabah Rashidiyyah; Al-Bahr ar-Ra'iq, 2: 339, Maktabah

Rashidiyyah; Fatawa Mahmoodiyah, 9: 64, Dar al-Iftaa Jamiah Farooqiyyah]

(قوله: ويسجى قبرها) أي يوط ونحوه استعمالاً حال إدخالها القبر حتى يسوى اللبن على اللحد

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 236]

(ويسجى قبرها، لا قبره) لأن مبنى حاله على السر والرجال على الكشف الخ

[Al-Bahr ar-Ra'iq, 2: 340, Maktabah Rashidiyyah; Majma' al-Anhar, 1: 275, Maktabah Gaffariyyah]

[Fatawa Mahmoodiyah, 9: 66, Dar al-Iftaa Jamiah Farooqiyyah]

وأن يقول واضعه بسم الله وبالله وعلى ملة رسول الله صلى الله عليه وسلم ويوجه إليها

[Ad-Durr al-Mukhtar ma'a Rad al-Muhtar, 2: 235; Al-Fatawa al-Alamgiriyyah, 166: 1; Al-Bahr ar-Ra'iq, 2: 339]

[77: 9, ayidoomhaM awataF]

(ويوجه إليها) وجوباً، وينبغي كونه على شقة الأيمن، ولا ينش ليوجه إليها

[Ad-Durr al-Mukhtar, 2: 235-6; Al-Bahr ar-Ra'iq, 2: 339, Maktabah Rashidiyyah; Al-Fatawa al-Alamgiriyyah, 1: 166, Maktabah Rashidiyyah]

وذكر في المحيط ... والرابع في اللحد يضطجع على شقة الأيمن، ويوجه إلى القبلة، هكذا تولدت السنة

[Al-Bahr ar-Ra'iq, 2: 299, Maktabah Rashidiyyah; Fatwa Mahmoodiyah, 9: 56, Dar al-Iftaa Jamiah Farooqiyyah; Fatawa Qadhi Khan ala Hamish al-Fatawa al-Alamgiriyyah, 1: 194, Maktabah Rashidiyyah]

ويوضع في القبر على جنبه الأيمن مستقبلاً القبلة، وتحمل العقدة

[Al-Fatawa al-Alamgiriyyah, 1: 166, Maktabah Rashidiyyah]

(وتحمل العقدة) لأمر النبي صلى الله تعالى عليه وسلم سمره رضي الله تعالى عنه وقد مات له ابن: "طلق عقد رأسه وعقد رجله"

[Hashiyat al-Tahtawi al-Marāqī al-Falāh, p. 209, Qadimi Kutub Khana]

وفي (الإمداد). وقال بعض مشايخنا: إما يكره الأجر إذا أريد به الزينة، أما إذا أريد به دفع أذى السباع، أو شيء آخر، لا يكره، اهـ

[Al-Lubab fi Sharh al-Kitab, 2: 304]

(ويقال التراب عليه، وتكره زيادة عليه) من التراب، لأنه بمنزلة البناء

[Ad-Durr al-Mukhtar ma'a Radd al-Muhtar, 2: 236; Al-Bahr ar-Ra'iq, 2: 340; Fatawa Mahmoodiyah, 9: 115]

ويكره أن يزيد فيه على التراب الذي خرج منه، ويجعله مرتفعاً عن الأرض قدر شبر أو أكثر بقليل

[Maraqi al-Falah Sharh Nur al-Idhah

قال في الجوهرة: ويقول في الحثية الأولى (منها خلقناكم) وفي الثانية (وفيها نعيدكم) وفي الثالثة (ومننا نخرجكم تارة أخرى)

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 237, H.M. Saeed Company]

ويستحب لمن شهد دفن وليت أن يهتفوا في قبره ثلاث ... ويقول في الحثية الأولى (منها خلقناكم) وفي الثانية (وفيها نعيدكم) وفي الثالثة (ومننا نخرجكم تارة أخرى)

[Al-Fatawa al-Alamgiriyyah, 1: 166, Maktabah Rashidiyyah]

ويسنن القبر: أي يجعل ثرابه مرتفعاً عليه مثل سنام البعير، مقدار شبر ونحوه، وتركه الزيادة على التراب الذي خرج منه

[Al-Lubab fi Sharh al-Kitab, 2: 304]

وُسُئِلَ القَبْرُ وَلَا يُسْجَعُ

[Al-Lubab fi Sharh al-Kitab, 2: 304]

وكان ابن عمر رضي الله تعالى عنه يستحب أن يقرأ على القبر بعد الدفن أول سورة البقرة وخاتمتها ... فقد ثبت أنه عليه الصلاة والسلام قرأ أول سورة البقرة عند

رأس الميت وأخبرها عند رجليه

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 237, 242, H.M. Saeed Company]

[Hāshiyat al-Tahtāwī alā Marāqī al-Falāh, p. 621]

وفي حديث ابن مسعود رضي الله تعالى عنه: رأيت رسول الله صلى الله عليه وسلم في قبر عبد الله ذي النجادين. الحديث. وفيه: فلما فرغ من دفنه، استقبل القبلة

رأبها يديه. أخرج أبو عوانة في صحيحه

[Fat`h al-Bari, (35: 6343) 11: 173, Qadimi Kutub Khana]

[Fatawa Mahmoodiya, 9: 144/7, Dar al-Iftaa Jamiah Farooqiyyah] For a detailed discussion see: Fatawā

Rahimiyyah, 6: 95-7, Dār al-Ishā`at]

(قوله ولا بأس برش الماء عليه) بل ينبغي أن يندب: لأنه - صلى الله عليه وسلم - فعله بقبر سعد: كما رواه ابن ماجه، ويقرر ولده إبراهيم: كما رواه أبو داود في

مراسيله: وأمر به في قبر عثمان بن مظعون: كما رواه البزار

[Ad-Durr al-Mukhtar ala Radd al-Muhtar, 2: 237]

[Al-Fatawa al-Alamgiriyyah, 1: 166, Maktabah Rashidiyyah; Bada' I as-Sana`l, 2: 65, Maktabah Rashid-

iiyyah; Fatawa Mahmoodiya, 9: 101]

عن عثمان بن عفان رضي الله تعالى عنه قال: كان النبي صلى الله عليه وسلم إذا فرغ من دفن وليت وقف عليه، وقال: "استغفروا لأخيك، واسألوا له التثبيت، فإنه الآن يسأل"

[Sunan Abi Dāwūd, (al-Janā`iz), 2: 103, Maktabah Imdādiyyah]

وجلس ساعة بعد دفنه لدعاء وقراءة بقدر ما ينحر الجوز ويقرق لحمه) (ويستحب ...

(قوله: وجلس إلخ) لما في سنن أبي داود، كان النبي - صلى الله عليه وسلم - إذا فرغ من دفن الميت وقف على قبره وقال: استغفروا لأخيك واسألوا الله له التثبيت

فإنه الآن يسأل، وكان ابن عمر يستحب أن يقرأ على القبر بعد الدفن أول سورة البقرة وخاتمتها، وروي أن عمرو بن العاص قال وهو في سياق الموت: إذا أنا مت فلا

تصحبني نائمة ولا ناز، فإذا دفنتوني فشنوا علي التراب، فإني أقيموا حول قبري قدر ما ينحر جزور، ويقسم لحمها حتى أستأنس بكم وأنظر ماذا أراجع رسل ربي

جوهرة

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 237; Al-Fatawa al-Alamgiriyyah, 1: 166, Maktabah Rashid-

iiyyah; Fatawa Mahmoodiya, 9: 108]

ثم يدعو قائماً طويلاً وإن جلس يجلس بعيداً أو قريباً بمصحب مر تبته في حال حيلته

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 242, H.M. Saeed Company]

[Hāshiyat al-Tahtāwī alā Marāqī al-Falāh, p. 620, Qadimi Kutub Khāna]

[Al-Halabi al-Kabir, p. 576, Suhail Academy Lahore]

واضح ربي كـه تلقين بعد الموت كـه باركـه ميـن فقهاـئـه كرام كا اختلافـه بيـ، بعض جواز اور بعض عدم جواز كـه قائل بيـ، اس دور فساد ميـن اعتقادي خرابي كـه وجـه سـه احتراز لولي اور افضل بيـ

[Ahsan al-Fatawa, 4: 253, H.M. Saeed Company]

[Fatawa Rahimiyyah, 7: 68, Dar al-Ishā`at]

For a full discussion on whether there should be Talqin or not after the deceased has been buried, see:

[Fatawa Mahmūdiya, 9: 72-6, Dar al-Iftaa Jamiah Farooqiyyah]

[Fatawa Mahmūdiya, 9: 173-84, Dar al-Iftaa Jamiah Farooqiyyah]

The response to those who use the Prophetic action of placing twigs on the grave as a proof to place flowers on grave, see: [Fatawa Mahmoodiya, 9: 177-8, Dar al-Iftaa Jamiah Farooqiyyah]

ولا بأس بالكتابة إن احتيج إليها حتى لا يذهب الذكر ولا يُعْمَن (سراجية).

[Al-Lubab fi Sharh al-Kitab, 2: 305]

- [Fatāwā Mahmūdīyyah, 9: 204, Dār al-ʿItfā Jamiah Farūqīyyah, Karachi; Fatāwā Rahīmīyyah, 6: 140-2, Dār al-Ishāʿat, Karachi; Fatāwā Dīniyyah, 2: 413, Jamīʿah Husainīyah, Rander, India]
- ومن حفر قبراً لنفسه قبل موته، فلا بأس به، ويؤجر علي، هكذا عمل عمر بن عبد العزيز والربيع بن خيثم وغيرهم (قوله في الدار)... بل ينقل إلى مقابر المسلمين اهـ ومقتضاه أنه لا يدفن في مدفن خاص كما يفعله من يبني مدرسة ونحوها، ويبني له بقربها مدفنًا
- [Fatawa at-Tatarkhaniyah, 2: 172, Idarah al-Qurʿan Karachi; Al-Fatawa al-Alamgiriyyah, 1: 166, Maktabah Rashidiyyah; Fatawa Mahmoodiyyah, 9: 86]
- (ولا ينبغي أن يدفن) الميت (في الدار ولو) كان (صغيراً) لاغتصاص هذه السنة بالأنبياء
- [Rad al-Muhtar ala ad-Durr al-Muhtar, 2: 235; Al-Halabi al-Kabir, p. 607, Suhail Academy Lahore]
- يندب دفنه في جهة موته: أي في مقابر أهل المكان الذي مات فيه أو قبل
- [Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 239]
- القتيل أو الميت يستحب لهما أن يدفنا في المكان الذي قتل أو مات فيه في مقابر أولئك القوم
- [Al-Bahr ar-Raʿiq, 2: 342, Maktabah Rashidiyyah; al-Fatawa al-Alamgiriyyah, 1: 167, Maktabah Rashidiyyah; Fatawa Mahmoodiyyah, 9: 129]
- أوصى بأن يصلى عليه فلان أو يحمل بعد موته إلى بلد آخر أو يكفن في ثوب كذا... فهي باطلة
- [Ad-Durr al-Mukhtar maʿa Radd al-Muhtar, 6: 666; al-Fatawa al-Alamgiriyyah, 6: 95]
- ولو بلى الميت وصار تراباً جاز دفن غيره في قبره وزرعه والبناء عليه
- Al-Bahr ar-Raʿiq, 2: 342, Maktabah Rashidiyyah; Tabyin an-Haqaʿiq,
- أنه لا يدفن لثان في قبر إلا للضرورة، وهذا في الابتداء، وكذا بعده. قال في الفتح. ولا يحقر قبر لدفن آخر إلا إن بلى الأول فلم يبق له عظم إلا أن لا يوجد فتمضم عظام الأول ويجعل بينهما حاجز من تراب
- [Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 233, H. M. Saeed Company; Al-Fatawa al-Alamgiriyyah, 1: 166-7, Maktabah Rashidiyyah]
- [Fatawa Mahmūdīyyah, 9: 96-7, Dar al-ʿItfā Jamiah Farooqiyyah]
- ويكره الجلوس على القبر ووطؤه
- [Rad al-Muhtar ala ad-Durr al-Mukhtar, 1: 245; Al-Bahr ar-Raʿiq, 2: 341, Maktabah Rashidiyyah; al-Fatawa al-Alamgiriyyah, 1: 166, Maktabah Rashidiyyah]
- إذا دفن بلا غسل أو صلاة أو وضع على غير ميمته أو غير القبلة، فإنه لا ينش عليه بعد إهالة التراب
- [Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 238]
- ولو وضع الميت لغير القبلة أو شقه الأيسر أو جعل رأسه موضع رجله وأهيل عليه التراب، لم ينش
- [Al-Fatawa al-Hindiyyah, 1: 167]
- القتل بعد الدفن على ثلاثة أوجه، في وجه يجوز بالإتفاق، وفي وجه لا يجوز بالإتفاق، وفي وجه اختلاف: أما الأول فهو إذا دفن في أرض معصوية أو كفن في ثوب معصوب ولم يرص صاحبه إلا بنقله عن ملكه أو نزع ثوبه، جاز أن يخرج منه، وأما بالإتفاق، وأما الثاني فكلام إذا أرادت أن تنظر إلى وجه ولدها أو نقله إلى للقبرة الأخرى، لا يجوز بالإتفاق، وأما الثالث إذا غلب للماء على القبر فقتل: يجوز تحويله، الخ
- [Hashiyat at-Tahtawi ala Maraʿiq al-Falah, 615, Qadimi Kutub Khana; Fatawa Mahmoodiyyah, 9: 131]
- جاز زرعه والبناء عليه إذا بلى وصار تراباً
- [Ad-Durr al-Mukhtar maʿa Radd al-Muhtar, 2: 238]
- [Tabyin al-Haqaʿiq; al-Fatawa al-Alamgiriyyah, 1: 167, Maktabah Rashidiyyah; Fatawa Mahmoodiyyah, 9: 125; Dar al-ʿItfā Jamiah Farooqiyyah]

For a discussion on the permissibility of women going to the graveyard, see: [Fatāwā Dār al-ʿUlūm Zakariyā, 2: 672-7, ZamZam Publishers]

http://www.adviceguide.org.uk/england/relationships_e/relationships_death_and_wills_e/what_to_do_after_a_death.htm Accessed on: 10/06/2014.

في شرح الحنية. وتستحب التعزية للرجال والنساء اللاتي لا يفترقن، لقوله - عليه الصلاة والسلام - «من عزى أخاه مصيبة كساه الله من حلل الكرامة يوم القيامة» رواه ابن ماجه وقوله - عليه الصلاة والسلام - «من عزى مصاباً فله مثل أجره» رواه الترمذي وابن ماجه. والتعزية أن يقول: أعظم الله أجرك، وأحسن عزاءك، وغفر لميتك. اهـ.

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 240, H.M. Saeed Company]

في التتارخانية: لا ينبغي لمن عزى مرة أن يعزي مرة أخرى رواه الحسن عن أبي حنيفة. اهـ إمداد

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 2: 241, H.M. Saeed Company]

أعن النبي صلى الله عليه وسلم أنه قال ما من مؤمن يعزي أخاه مصيبة إلا كساه الله سبحانه من حلل الكرامة يوم القيامة

[Sunan Ibn Mājah, p. 115, Qadimi Kutub Khāna]

ولا بأس بنقله قبل دفته والإعلام بموته ... ويتعزى أهله وتربيهم في الصبر ويتأخذ طعام لهم) (

(قوله: ويتعزى أهله) أي تصبرهم والدعاء لهم به. قال في القاموس: العزاء الصبر أو حسنه. وتعزى: انتسب. اهـ. فالمراد هنا الأول، وفيما قبله الثاني فافهم. قال في شرح اللبية، وتستحب التعزية للرجال والنساء اللاتي لا يفتن لقوله - عليه الصلاة والسلام - «من عزى أخاه مصيبة كساه الله من حلل الكرامة يوم القيامة» رواه ابن ماجه وقوله - عليه الصلاة والسلام - «من عزى مصليا فله مثل أجره» رواه الترمذي وابن ماجه. والتعزية أن يقول: أعظم الله أجرك وأحسن عزلك، وغفر لميتك. اهـ.

[Radd al-Muhtār alā al-Durr al-Mukhtār, 2: 239-240, H.M. Saeed Company]

التعزية لصاحب اللبية حسن، كذا في الظهيرة، وروى الحسن بن زياد إذا عزى أهل لميت مرة فلا ينبغي أن يعزیه مرة أخرى، كذا في للمضمرات. ووقتها من حين يموت إلى ثلاثة أيام ويكره بعدها إلا أن يكون المعزى أو المعزى إليه غائبا فلا بأس بها وهي بعد الدفن أولى منها قبله وهذا إذا لم ير منهم جرح شديد فإن ربي ذلك قدمت التعزية ويستحب أن يعم بالتعزية جميع أقارب لميت الكبار والصغار والرجال والنساء إلا أن يكون امرأة شابة فلا يعزونها إلا محارمها، كذا في السراج الوهاج.

ويستحب أن يقال لصاحب التعزية: غفر الله تعالى لميتك وتجاوز عنه وتغمد به رحمته ورزقك الصبر على مصيبته وأجرك على موته، كذا في المضمرات ناظرا عن الحجة. وأحسن ذلك تعزية رسول الله - صلى الله عليه وسلم - «إن لله ما أخذ وله ما أعطى وكل شيء عنده بأجل مسمى» ويقال في تعزية للمسلم بالكافر أعظم الله أجرك وأحسن عزامك وفي تعزية الكافر بالمسلم أحسن الله عزامك وغفر لميتك ولا يقال أعظم الله أجرك وفي تعزية الكافر بالكافر أخلف الله عليك ولا نقص عدلك، كذا في السراج الوهاج.

ولا بأس لأهل المصيبة أن يجلسوا في البيت أو في مسجد ثلاثة أيام والناس يأتونهم ويعزونهم ويكره الجلوس على باب الدار وما يصنع في بلاد العجم من فرش البسط والقيام على قوارع الطرق من أفيح القبائح كذا في الظهيرة، وفي عزارة الفتاوى والجلوس للمصيبة ثلاثة أيام رخصة وتركه أحسن، كذا في معراج الدرية.

[Al-Fatawa al-Hindiyyah, 1: 167, Maktabah Rashidiyyah]

[Gunyat al-Mutamalli (Halabi al-Kabir) fi sharh Munyat al-Musalli, p. 608-9, Maktabah Rashidiyyah, Quetta]

[Fatāwā Rahimiyyah, 9: 83-6, Dār al-Ishā`at, Karachi]

[Fatāwā Rahimiyyah, 9: 114, Dār al-Ishā`at, Karachi]

[Radd al-Muhtār alā al-Durr al-Mukhtār, 2: 241, H.M. Saeed Company]

ما كان للنبى والذين آمنوا أن يستغفروا للمشركين ولو كانوا أولي قربى ..

[Sahih al-Bukhārī, tafsir, 2: 274-5, Qadimi Kutub Khana]

والحق حرمه الدعاء بالمغفرة للكافر

[al-Durr al-Mukhtār ma`a Radd al-Muhtār, 1: 523, H.M. Saeed Company]

I.e May Allah enrich you with Islam and compensate you with a Muslim in family

وإذا مات الكافر قبل لوالده أو لقرنيه في تعزيتهم "أغلف الله عليك خيرا منه، وأصلحك ورزقك ولدا مسلما"، لأن الجزية تطهر، ويقولون في تعزية المسلم: أعظم الله

أجرك، وأحسن عزامك ورحم ميتك، وأكثر عدلك

[Al-Bahr al-Rā`iq Sharh Kanz al-Daq`iq, (al-Karāhiyah), 8: 374, Maktabah Rashidiyyah]

ولا بأس بعبادة اليهودي والنصراني وفي الهجوم اختلاف كذا في التهذيب ويعوز عبادة الذمي كذا في التبيين ..

واغتفلوا في عبادة الفاسق والأصح أنه لا بأس بها وإذا مات الكافر قال لوالده أو قريبه في تعزيتهم أغلف الله عليك خيرا منه وأصلحك أي أصلحك بالإسلام ورزقك ولدا مسلما لأن الغيرة به تطهر كذا في التبيين

[al-Fatāwā al-Hindiyyah, (al-Karāhiyah), 5: 348, Maktabah Rashidiyyah]

وفي النوادر جاز يهودي أو مجوسي مات ابن له أو قريب ينبغي أن يعزیه، ويقول أغلف الله عليك خيرا منه، وأصلحك وكان معناه أصلحك الله بالإسلام يعني رزقك الإسلام ورزقك ولدا مسلما كفاية

[Radd al-Muhtār alā al-durr al-Mukhtār, (al-Hazr wa al-Ibāhah), 6: 388, H.M. Saeed Company]

[Fatāwā Mahmūdiyyah, 9: 253-4, Dār al-İftā Jamiah Farūqiyah, Karachi]

[Fatāwā Rahimiyyah, 9: 115, Dār al-Ishā`at, Karachi]

قال كثير من متأخري أئمتنا رحمهم الله يكره الاجتماع عند صاحب حتى يأتي إليه من يعزى بل إذا رجع الناس من الدفن فليغفروا ويغفروا بأمرهم لميت بأمره ويكره الجلوس على باب الدار للمصيبة فإن ذلك عمل أهل الجاهلية ونهى النبي صلى الله عليه وسلم عن ذلك ويكره في المسجد ويكره الضيافة من أهل الميت لأنها شرعت في السرور لا في الشور وهي بدعة مستقيمة وقال عليه السلام: "لا عقر في الإسلام" وهو الذي كان يعقر عند القبر بقرة أو هامة ويستحب لجيران الميت والأباعد من أقاربه تهية طعام لأهل الميت يشبعهم ويومهم ويلتهم لقوله صلى الله عليه وسلم: "اصنعوا لآل جعفر طعاما فقد جاءهم من يشغلهم" ويلج عليهم في الأكل لأن الحزن يمنعهم فيضعفهم والله ملهم الصبر ومعوض الأجر وتستحب التعزية للرجال والنساء اللاتي لا يفتن لقوله صلى الله عليه وسلم: "من عزى أخاه مصيبة كساه الله من حلل الكرامة يوم القيامة" وقوله صلى الله عليه وسلم: "من عزى مصليا فله مثل أجره"

[Marāqī al-Falāh Sharh Nūr al-idhah, p.151, İmādīyah, Multān]

وتعزية أهله وتربيهم في الصبر ويتأخذ طعام لهم وبالجلوس لها في غير مسجد ثلاثة أيام، وأولها أفضل. وتركه بعدها إلا لغائب. وتركه التعزية غائبا. وعند القبر. وعند باب الدار؛ ويقول عظم الله أجرك وأحسن عزامك، وغفر لميتك وزيارة القبور ولو للنساء لحديث «كنت نهيتكم عن زيارة القبور إلا فزوروها» ويقول: السلام عليكم دار قوم مؤمنين، وإننا إن شاء الله نكم لأحقون ويقرأ يس، وفي الحديث «من قرأ الإخلاص أحد عشر مرة ثم وهب أجرها للأسموات أعطي من الأجر بعدد

الأموات»

[Al-Durr al-Mukhtār ma`a Radd al-Muhtār, 2: 239-43, H.M. Saeed Company]

(قوله: وبالجلوس لها) أي للتعزية، واستعمال لا بأس هنا على حقيقته لأنه خلاف الأول كما صرح به في شرح المنية. وفي الأحكام عن عزارة الفتاوى: الجلوس في المصيبة ثلاثة أيام للرجال جاءت الرخصة فيه، ولا تجلس النساء قطعاً اهـ (قوله: في غير مسجد) أما فيه فيكره كما في البحر عن للمجتبى، وجزم به في شرح المنية والفتح، لكن في الظهريّة: لا بأس به لأهل الميت في البيت أو للمسجد والناس يأتونهم ويعزونههم. اهـ. قلت: وما في البحر من «أه» صلى الله عليه وسلم - جلس لما قتل جعفر وزيد بن حلافة والناس يأتون ويعزونه» اهـ يجاب عنه بأن جلوسه - صلى الله عليه وسلم - لم يكن مقصوداً للتعزية. وفي الإمداد: وقال كثير من متأخري أئمتنا يكره الاجتماع عند صاحب البيت ويكره له الجلوس في بيته حتى يأتي إليه من يعزي، بل إذا فرغ ورجع الناس من الدفن فليترقبوا ويشغل الناس بأمورهم وصاحب البيت بأمرة اهـ.

قلت: وهل تنبغي الكراهة بالجلوس في المسجد وقراءة القرآن حتى إذا فرغوا قام ولي الميت وعزاه الناس كما يفعل في زماننا الظاهر؟ لا لكون الجلوس مقصوداً للتعزية لا القراءة ولا سيما إذا كان هذا الاجتماع والجلوس في المقبرة فوق القبور للتلوثة، ولا حول ولا قوة إلا بالله (قوله وأولها أفضل) وهي بعد الدفن أفضل منها قبله لأن أهل الميت مشغولون قبل الدفن بتجهيزه ولأن وحشتهم بعد الدفن لغفائه أكثر، وهذا إذا لم ير منهم جزع شديد، وإلا قدمت لتسكينهم جوهرة (قوله وتكره بعده) لأننا نجد العزن منح والظاهر أنها تنزيهية ط (قوله إلا لغائب) أي إلا أن يكون للعزي أو للعزي غائباً فلا بأس بها جوهرة. قلت: والظاهر أن الحاضر الذي لم يعلم بمنزلة الغائب كما صرح به الشافعية (قوله وتكره التعزية ثانياً) في التتارخانية، لا ينبغي لمن عزى مرة أن يعزي مرة أخرى رواه الحسن عن أبي حنيفة. اهـ إمداد

[Radd al-Muhtār alā al-Durr al-Mukhtār, 2: 241, H.M. Saeed Company]

(قوله ويتخذ طعام لهم) قال في الفتح ويستحب لغير أهل الميت والأقرباء الأباةد تهينة طعام لهم يشبعهم يومهم وليتهم، لقوله - صلى الله عليه وسلم - «اصنعوا لأهل جعفر طعاماً فقد جاءهم ما يشغلهم» حسنة الترمذي وصححه الحاكم ولأنه بر ومعروف، ويلج عليهم في الأكل لأن العزن يمنعهم من ذلك فيضعفون. اهـ مطلب في كراهة الضيافة من أهل الميت

وقال أيضاً: اتخاذ الضيافة من الطعام من أهل الميت لأنه شرع في السرور لا في الشور، وهي بدعة مستقبحة. وروى الإمام أحمد وابن ماجه بإسناد صحيح عن جرير بن عبد الله قال " كنا نعد للاجتماع إلى أهل الميت وصنعهم الطعام من النياحة ". اهـ.

[Radd al-Muhtār alā al-Durr al-Mukhtār, 2: 240, H.M. Saeed Company]

ولا بأس بأن يتخذ لأهل الميت طعام، كذا في التبيين، ولا يباح اتخاذ الضيافة عند ثلاثة أيام، كذا في التتارخانية.

[al-Fatāwā al-Hindiyyah]

إمّا الصدقات للفقراء وللساكين

[6:9, na'ruq-IA]

إن الصدقة على الغني هبة

[Radd al-Muhtār alā al-Durr al-Mukhtār, 6: 698, H.M. Saeed Company]

صرح علمونا في باب الحج عن الغير بأن للإنسان أن يجعل ثواب عمله لغيره صلاة أو صوماً أو صدقة أو غيرها كذا في الهداية، بل في زكاة التتارخانية عن المحيط: الأفضل لمن يصدق نقلاً أن ينوي لجمعي المؤمنين والمؤمنات لأنها تصل إليهم ولا ينقص من أجره شيء اهـ

[Radd al-Muhtār alā al-Durr al-Mukhtār, 2: 243]

والأصل فيه أن الإنسان له أن يجعل ثواب عمله لغيره صلاة أو صوماً أو صدقة أو قراءة قرآن أو ذكراً أو طوافاً أو حجاً أو عمرة أو غير ذلك عند أصحابنا بالكتاب والسنة

[Al-Bahr ar-Ra'iq, (bāb al-Hajj 'an al-ghayr), 3: 105, Maktabah Rashidiyyah; al-Hidāyah, 1: 196, 'Imiyyah Multān; Fatawa at-Tatarkhaniya, 2: 545, Idarah al-Qur'an Karachi]

For a detailed academic discussion in the light of hadith on the permissibility of extending reward to the deceased and the benefit from it, see: [Fatāwā Mahmūdiyyah, 9: 209-213, Dār al-Ifṭā Jamiah Farūqiyyah, Karachi; Fatāwā Rahimiyyah, 6: 91-94, Dār al-Ishā'at; Fatāwā Dār al-'Ulūm Zakariyā, 2: 656-8, ZamZam Publishers]

قال النبي صلى الله عليه وسلم: من أحدث في أمرنا هذا ما ليس منه فهو رد

[Sahih al-Bukhārī, 1: 370, Qadīmī Kutub Khānā]

(قوله ويتخذ طعام لهم) قال في الفتح ويستحب لغير أهل الميت والأقرباء الأباةد تهينة طعام لهم يشبعهم يومهم وليتهم، لقوله - صلى الله عليه وسلم - «اصنعوا لأهل جعفر طعاماً فقد جاءهم ما يشغلهم» حسنة الترمذي وصححه الحاكم ولأنه بر ومعروف، ويلج عليهم في الأكل لأن العزن يمنعهم من ذلك فيضعفون. اهـ مطلب في كراهة الضيافة من أهل الميت

وقال أيضاً: اتخاذ الضيافة من الطعام من أهل الميت لأنه شرع في السرور لا في الشور، وهي بدعة مستقبحة. وروى الإمام أحمد وابن ماجه بإسناد صحيح عن جرير بن عبد الله قال " كنا نعد للاجتماع إلى أهل الميت وصنعهم الطعام من النياحة ". اهـ. وفي البرزانية: ويكره اتخاذ الطعام في اليوم الأول والثالث وبعد السبوع ونقل الطعام إلى القبر في المراسم، واتخاذ الدعوة لقراءة القرآن وجميع الصلوات والقراءة للختم أو لقراءة سورة الأنعام أو الإخلاص. والحاصل أن اتخاذ الطعام عند قراءة القرآن لأجل الأكل يكره وفيها من كتاب المستحسن: وإن اتخذ طعاماً للفقراء كان حسناً اهـ وأطال في ذلك في المعراج وقال: وهذه الأعمال كلها للسمعة والرياء فيحترز عنها لأنهم لا يريدون بها وجه الله تعالى. اهـ.

[Radd al-Muhtār alā al-Durr al-Mukhtār, 2: 240-1, H.M. Saeed Company]

[Fatāwā Mahmūdiyyah, 9: 205, Dār al-Ifṭā Jamiah Farūqiyyah, Karachi]

[Sharh al-Sudūr li al-Suyūti, p.298-304, Dār al-Ma`rifah, Beirut]

الأفضل لمن تصدق ففلا أن ينوي لجميع المؤمنين والمؤمنات: لأنها تصل إليهم ولا ينقص من أجره شيئاً

[Fatawa at-Tatarkhaniya, 2: 319, Idarah al-Qur'an Karachi]

وفي حديث ابن مسعود رضي الله تعالى عنه: "رأيت رسول الله صلى الله عليه وسلم في قبر عبد الله ذي النجدين" الحديث وفيه " فلما فرغ من دفنه استقبل القبلة رافعاً يديه " أخرجه أبو عوانة في صحيحه

[Fat'h al-Bārī, al-Du`ā mustaqbil al-Qiblah]

[Fatāwā Rahimiyyah, 6: 89, Dār al-Ishā`at]

وإن قرأ القرآن عند القبور إن نوى بذلك أن يؤنسهم صوت القرآن فإنه يقرأ

[Fatawa Qadhi Khan ala Hamish al-Fatawa al-Alamgiriyyah, 3: 422, Maktabah Rashidiyyah]

ولو مات رجل وأجلس واره علي قبره من يقرأ: الأصح أنه لا يكره وهو قول محمد كذا في المصنعات

[al-Fatawa al-Hindiyyah, al-Karāhiyah (al-Qur'an `ind al-maqābir), 5: 350, Maktabah Rashidiyyah]

(قوله: ولا يكره الدفن ليلاً) والمستحب كونه نهراً شرح للنبية (قوله: ولا إجلال القارئین عند القبر) عبارة نور الإيضاح وشرحه ولا يكره الجلوس للقراءة على القبر في المختار لتأدية القراءة على الوجه المطلوب بالسكينة والتدبر والتعاطف اهـ

[Radd al-Muhtār alā al-Durr al-Mukhtār, 2: 245-6, H.M. Saeed Company]

وأخذ من ذلك جواز القراءة على القبر والمسئلة ذات خلاف قال الإمام ذكره لأن أهلها خيفة ولم يصح فيها شيء عنده عنه صلى الله عليه وسلم وقال محمد تستحب لورود الآثار وهو المذهب المختار كما صرحوا به في كتاب الاستعسان

[Hashiyat al-Tahtāwī `alā Marāqī al-Falāh, p. 621, Qadimi Kutub Khana]

[Fatāwā Mahmūdiyyah, 9: 229, Dār al-Iftā Jamiah faruqiyyah, Karachi]

[Fatāwā Rahimiyyah, 6: 99-101 & 106-7, Dār al-Ishā`at]

فكم من مباح يصير بالإلتزام من غير لزوم والتفصيص من غير خصوص مكروها

[Sabāhat al-fikr fi al-jahr bi al-zikr min majmū`at rasā`il al-Laknawi, 3: 34, Idārah AL-Qur'an, Karachi]

[Mirqāt al-Mafātih alā Mishkāt al-masābih, (al-tashhud fi al-salāh), 3: 31, Maktabah Rashidiyyah]

أمر إذا دار بين الكراهة والإباحة ينبغي الإفتاء بالمعنى: لأن دفع مضرة أولي من جلب منفعة، فكيف لا يكون أولي من فعل أمر مباح وقد مر أن الإصرار علي المندوب يبلغه إلي حد الكراهة

[Al-Si`āyah Sharh Sharh al-Wiqāyah (surūṭ al-salāh before fasl fi al-qirā`ah), 2: 265, Suhail Academy Lahore]

واختلفوا في المستحار علي قراءة القرآن مدة معلومة.

قال بعضهم: لا يجوز: وقال بعضهم: يجوز وهو المختار اهـ والصواب أن يقال علي تعظيم القرآن، فإن الخلاف فيه كما علمت لا في القراءة المجردة فإنه لا ضرورة فيها، فإن كان ما في الجوهره سبق فلم فلا كلام، وإن كان عن عمد فهو مخالف لكلهم فاطية فلا يقبل.

وقد أطنب في رده صاحب تبين المحارم مستنداً إلى النقول الصريحة، فمن جملة كلامه قال تاج الشريعة في شرح الهداية: إن القرآن بالأجرة لا يستحق الثواب لا للميت ولا للقاتل: وقال العيني في شرح الهداية: ويمنع القارئ للندبا، والأخذ والمعطي أجمان. فالحصل أن ما شاع من زماننا من قراءة الأجزاء بالأجرة لا يجوز: لأن فيه الأمر بالقراءة وإعطائه الثواب للتم والقراءة لأجل المال: فإذا لم يكن للقرآن ثواب لعدم النية الصحيحة فأين يصل الثواب إلى المستأجر ولولا الأجرة ما قرأ أحد لأحد في هذا الزمان بل جعلوا القرآن العظيم مكسباً ووسيلة إلى جمع الدنيا - إنا لله وإنا إليه راجعون - اهـ

[Radd al-Muhtār alā al-Durr al-Mukhtār, (al-ijārat al-fāsīdah), 6: 56, H.M. Saeed Company]

[Fatāwā Mahmūdiyyah, 9: 256, Dār al-Iftā Jamiah Faruqiyyah, Karachi]

[Mu`in al-Farā`idh (urdu), p. 10-11, Jamiah Husainiyah Rander, India]

الوصية غير واجبة وهي مستحبة

[Mukhtasar al-Qudūri, 6: 376, Dār al-Bashā`ir al-Islāmiyyah & Dār al-Sirāj]

و لا تجوز الوصية بما زاد علي الثلث ولا لقاتل

[Mukhtasar al-Qudūri, (tahqīq from Sā`id Bakdash), 6: 376, Dār al-Bashā`ir al-Islāmiyyah and Dār al-Sirāj]

(ولو مات وعليه صلوات ثلاثة وأوصى بالكفارة يعطى لكل صلاة نصف صاع من بر) كالفضرة (وكذا حكم الوتر) والصوم، وإنما يعطي (من ثلث ماله) ولو لم يترك مالا يستقرض ولرثه نصف صاع مالا ويُدفعه لفقير ثم يدفعه الفقير للوارث ثم وثم حتى يتم.

[al-Durr al-Mukhtār ma`a Radd al-Muhtār, 2: 72-3, H.M. Saeed Company]

(قوله وإنما يعطي من ثلث ماله) أي فلو زادت الوصية علي الثلث لا يلزم الولي إخراج الزائد إلا بإجارة الورث.

[Radd al-Muhtār alā al-Durr al-Mukhtār, 2: 73, H.M. Saeed Company]

إذا مات الرجل وعليه صلوات فائمة فأوصي بأن تعطى كفارة صلواته يعطى لكل صلاة نصف صاع من بر واللوتر نصف صاع ولصوم يوم نصف صاع من ثلث ماله وإن لم يترك مالا يستقرض ورثته نصف صاع ويدفع إلى مسكين ثم تصدق للمسكين على بعض ورثته ثم تصدق ثم وثم حتى يتم لكل صلاة ما ذكرناه كذا في الخلاصة.

[al-Fatāwā al-Hindiyyah, 1: 125, Maktabah Rashidiyyah]

فإن لوصي إذا ترك ورثة فأما لا تصح وصيته بما زاد على الثلث إن لم يجز الورثة، وإن أجازوه صحت وصيته به

[al-Bahr al-Rā'iq, 9: 212, Maktabah Rashidiyyah]

ثم تصح الوصية لأجنبي من غير إجازة الورثة، ولا تجوز بما زاد على الثلث إلا أن يميزه الورثة بعد موته وهم كبار، ولا معتبر بإجازتهم في حال حياته
[al-Fatāwā al-Hindiyyah, 6: 90, Maktabah Rashidiyyah; Al-Durr al-Mukhtār ma'a Radd al-Muhtār, 6: 650-1, H.M. Saeed]

و لا تجوز الوصية لو ارث إلا أن يميزها الورثة

[Mukhtasar al-Qudūri, (tahqiq from Sa'id Bakdash), 6: 376, Dār al-Bashā'ir al-Islāmiyyah and Dār al-Sirāj]

[Imdād al-Ahkām, 4: 571, Maktabah Dār al-Ulūm Karachi]

الحرمة تتعدد في الأموال مع العلم بها

[hayyimalsi-la moo]U-la aWNa'ruQ-la haradi, 792:2, iwamaH hrahS'a'am, n'ahdaN-na aw habhsA-la]

إذا علم أن كسب مورثه حرام يحل له ، لكن إذا علم المالك بعينه، فلا شك في حرمة ووجوب رده عليه . وهذا معنى قوله: وقيدته في الظهورية، الخ. وفي منية المفتى: مات رجلا ويعطى الوارث أن أباه كان يكسب من حيث لا يحل، ولكن لا يعلم الطالب بعينه ليرد عليه، حل له الإرث، والأفضل أن يتورع ويتصدق بنية خصماء أبيه اه وكذا لا يحل إذا علم عين الغصب مثلا وإن لم يعلم مالكة لما في البرازية: أخذ مورثه رشوة أو ظلما، إن علم ذلك بعينه، لا يحل له أخذه، وإلا فله أخذه حكما. أما في الديانة، فيقتصد به بنية إرضاء الخصماء اه

ويردونها على أربابها إن عرفوهم ولا تصدقوا بها لأن سبيل الكسب الغيبى التصديق إذا تعذر الرد على صاحبه

[Radd al-Muhtar ala ad-Durr al-Mukhtar, 5:99, H.M. Saeed Company Karachi; Ibid, 6:189/386]

[Imdād al-Ahkām, 4: 571, Maktabah Dār al-Ulūm Karachi]

[Contemporary Fatawaa, p.242, Idara e Islamiat Karachi; Imdad al-Fatawa, 4:144, Maktabah Darul-Uloom Karachi; Fatawa Mahmoodiyyah, 18: 446, Dar al-Iftaa Jamiah Farooqiyyah, Karachi; Jadeed Fiqhi Masaa' il, 4:93, Kutub Khana Naeemiyyah; Fatawa Darul-Uloom Deoband, 2:705; Mahmood al-Fatawa, 3:62, Maktabah Anwar, Dabhel]

الغلب من الذنب كمن لا ذنب له

[Mishkat al-Masaabeeh ma'a Mirqat al-Mafateeh, 4:1636, Dar al-Fikr, Beirut]

يوصيكم الله في أولادكم للذكر مثل حظ الأنثيين فإن كن نساء فوق اثنين فلهن ثلثا ما ترك وإن كانت واحدة فلها النصف ولزوجه لكل واحد منهما السدس مما ترك إن كان له ولد فإن لم يكن له ولد وورثه أبواه فلأمه الثلث فإن كان له إخوة فلأمه السدس من بعد وصية يوصي بها أو دين كباؤكم وأبناؤكم لا تدرون أيهم أقرب لكم نفعا فريضة من الله إن الله كان عليما حكيما ولكم نصف ما ترك أزواجكم إن لم يكن لهن ولد فإن كان لهن ولد فلكم الربع مما تركن من بعد وصية يوصين بها أو دين ولهن الربع مما تركن إن لم يكن لكم ولد فإن كان لكم ولد فلهن الثمن مما تركن من بعد وصية توصون بها أو دين وإن كان رجل يورث كلالة أو امرأة وله أخ أو أخت فلكل واحد منهما السدس فإن كانوا أكثر من ذلك فهم شركاء في الثلث من بعد وصية يوصي بها أو دين غير مضار وصية من الله والله عليم حكيم

[21-11: 4, na' ruQ-la]

يستفتونك قل الله يفتيك في الكلالة إن امرؤ هلك ليس له ولد وله أخت فلها نصف ما ترك وهو يرثها إن لم يكن لها ولد فإن كانتا اثنتين فلهما الثلثان مما ترك وإن كانوا إخوة رجالا ونساء فللذكر مثل حظ الأنثيين بين الله لكم أن تضلوا والله بكل شيء عليم

[671: 4, na' ruQ-la]

[Mu'in al-Farā'iz, pg. 17-22, Jamiah Husainiyyah Rander, Surat, India]

[Mukhtasar al-Qudūri, (tahqiq from Sa'id Bakdash), 6: 382-7, Dār al-Bashā'ir al-Islāmiyyah and Dār al-Sirāj]

[Minhat al-Sulūk fi sharh Tuhfat al-Mulūk, 431, Dār al-Nawādir; Nafahāt al-sulūk alā tuhfāt al-Mulūk, 296-305, Dār al-Fārūq, Amman]

ومن لا يرث بحال أربعة: المملوك، والمقلل من المقتول، وليرثه وأهل المائت

[Mukhtasar al-Qudūri, (tahqiq from Sa'id Bakdash), 6: 382 and 388, Dār al-Bashā'ir al-Islāmiyyah and Dār al-Sirāj]

[Imdād al-Ahkām, 4: 626, Maktabah Dār al-Ulūm Karachi]

[Discourses on Islamic way of life (Islāhi Khutbāt), 6: 57-58, Dār al-Ishā'at Karachi]

Making a will. Accessed at: 10/ 06/ 2014. See: <https://www.gov.uk/make-will/make-sure-your-will-is>

ADHERING TO A SINGLE MADHAB IN ALL ITS RULINGS

INTRO* RULINGS * VIEWS OF THE HANAFI, SHAFI,
HANBALI ULAMA

BY: ZAMEELUR RAHMAN - SECOND YEAR IFTAA STUDENT

INTRODUCTION:

The prevalent Deobandī and Subcontinent position on the obligation of adhering to one school of jurisprudence (madhhab) in all its juristic rulings (masā'il) has recently come under increasing scrutiny. We will argue in this paper that this position is not only more sound in our context, but is also supported by strong positions from within each of the four madhhabs and the stronger position of the Hanafi madhhab, with some of the early scholars having quoted consensus. As the discussion is relatively lengthy, readers who wish to avoid the details may skip the technical discussion and read the brief summary presented at the end.

The view that we will support can be summarised in the following points:

1. It is necessary for laypeople and scholars who are not mujtahids to make taqlīd of mujtahids. Moreover, following from the third century of Hijrah, the number of mujtahids of all degrees became very few and far between. Hence, the vast majority of people from that era onwards fall into this category.
2. After the codification of the madhhabs in approximately the fourth century of Hijrah, it was necessary for laypeople to adhere to a single madhhab in all its rulings. There are two principle reasons for this:
 - a. If a layperson was given the option to adopt any position he likes from the various madhhabs, it would lead to freeing him from religious obligation (taklīf), which forms the very foundation of a Muslim's relationship to the Sharī'ah. The reason for this is that the codified madhhabs generally address all small and major issues. On any particular issue, therefore, a muqallid would be exposed to

multiple differing viewpoints. Hence, if given the option to choose between them, he will be at liberty to select an opinion based on his desires. He may even consider something *harām* at one point and *halāl* at another. In other words, *dīn* becomes a thing of play, and religious obligation (*taklīf*) becomes bereft of any meaning. This dangerous implication has been expressly mentioned or alluded to by a number of major early authorities, including the early Shāfi‘ī mujtahids known as the “*Ashāb al-Wujūh*,” al-Juwaynī (419 – 478 H), al-Ghazālī (450 – 505 H), Ilkiyā al-Harrāsī (450 – 504), al-Arsābandī al-Hanafī (d. 512 H), al-Jilī (470 – 541 H), al-Māzirī (453 – 536 H) and Ibn al-Munayyir al-Mālikī (620 – 683 H). Their statements or the opinions transmitted from them will be quoted below.

Furthermore, if given the option of selecting any opinion one likes, a person may unknowingly fall into *talfiq* which is invalid by consensus. Moreover, it may open the door to selecting opinions outside of the established madhhabs, leading to following *shādhdh* opinions, something that has been strongly condemned by the ‘ulamā’. These further implications have been alluded to, in particular, by al-Māzirī. Hence, the obligation of following a single madhhab is a precautionary measure against these negative repercussions.

b. If given the option of following any madhhab one wished on different issues, a major inconsistency will arise in a layperson’s juristic methodology. Each Imām and his madhhab has a distinct methodology and distinct points of reference to earlier proto-madhhabs. If a layperson followed different madhhabs on different issues, it would lead to contradictions in the basic principles on which the rulings are based. For example, if someone followed the Hanafī madhhab in one ruling which is based on a particular principle and the Shāfi‘ī madhhab on another ruling which is based on a contradictory principle, a contradiction will arise in the legal methodology, even though both issues may apparently seem distinct. ‘Allāmah Anwar

Shāh Kashmīrī explained this point in his *Fayd al-Bārī*. A translation of this passage can be found in the appendix below. Qādī ‘Iyād (476 – 544 H) also mentions this and al-Juwaynī may have alluded to it, as will be discussed below.

It is important to note here that when we speak about the necessity of restricting oneself to a single madhhab, we do not mean the views of only the founder of the madhhab, but the collective input of all the mujtahid scholars of that madhhab. The reason is that the developed madhhab represents the conclusions of one unified pattern or school of juristic thought. The prohibition of taking from multiple mujtahids in the later period, therefore, applies only to inter-madhhab disagreements and not necessarily intra-madhhab divergence. See the statements of Abu l-‘Abbās al-Nātifi (d. 446) and Ibn Hamdān al-Hanbalī (603 – 695 H) quoted below. Furthermore, the ruling under discussion applies to normal circumstances. In exceptional cases, where there is extreme difficulty in acting on the dictates of one madhhab, the ruling may change.

3. In the first few centuries of Islām, before the codification of the major madhhabs, a common person was permitted to adopt the views of different mujtahids on different issues. In this period, non-mujtahids were generally limited in the number of mujtahids they had access to and limited in the resources at their disposal for attaining firm knowledge of the view of a particular mujtahid on a certain issue of jurisprudence. As a result, the laypeople of this time were not able to seek out the opinions of scholars who held the easiest opinions on different issues. In other words, unlike the situation in the later period, a layperson of this time would not generally be aware that there are multiple differing opinions on a particular issue. On the contrary, when he receives a verdict, that may be the first and only opinion he finds on that issue.

Furthermore, a layperson would normally refer to the mujtahids of a particular town, like Makkah, Madīnah or Kūfah. Scholars belonging to a particular town were generally unified in the broad contours of their juristic methodology. As a consequence, a layman would not be subject to a great degree of inconsistency in legal opinions and methodology even if he were to ask multiple mujtahids. The permissibility of adopting the views of multiple mujtahids was, moreover, based on necessity. Laypeople generally lacked access to a single mujtahid or school for verdicts on all issues of jurisprudence. Hence, to restrict them to a single mujtahid would not have been possible. Imām al-Juwaynī and others have made reference to this point. In the present time too, if it is extremely difficult to follow one madhhab due to lack of access to all positions of the school or extreme ignorance, the same rule will apply.

After the codification of madhhabs, it became necessary for a non-mujtahid to adopt one madhhab, and follow it in all its rulings. The layperson in this time in most places of the Muslim world would be exposed to the known opinions of the different madhhabs. Hence, giving legitimacy to adopt the view of any madhhab on any issue would lead to great inconsistency in the juristic methodology of a muqallid. The potential for selecting the easier opinions and playing with dīn became much more real. At this stage, a muqallid was exposed to multiple opinions in single issues, as opposed to the earlier period when the laypeople were generally not exposed to multiple opinions on single issues. Hence, giving him the option to choose between them will free him of religious obligation (taklif), and allow him to select opinions based on his desires.

Moreover, a muqallid is only qualified to assess which madhhab he feels is in general superior. He does not have the ability to adjudicate between them in individual issues. Hence, as al-Ghazālī explicitly mentions, and others have suggested, the only reason why a muqallid

would follow multiple mujtahids in the later period is in following his desires (tashahhī), even if he does not realise it.

4. Finally, it is necessary to have conviction that the madhhab one follows is correct, as stated by Fakhr al-Dīn Muhammad ibn Mahmūd al-Hanafī (d. ca. 570 H) and others. This is achieved by accepting the words of trusted scholars or based on widespread recognition of the madhhab or other such indications, as mentioned in the statement of Imām al-Ghazālī quoted below. The reason for this obligation is that the rules of Sharī'ah depend on one's belief in their veracity. If one is in doubt or does not have conviction that what he is following is correct, the rules of Sharī'ah cannot correctly be implemented.

According to the scholars of juristic theory, the correct view in a point of ijtihādī difference is in reality only one, although all mujtahids are on a right path and are rewarded for their ijtihād; and they, as well as their followers, will be excused for any error in ijtihād that falls within the parameters of legitimate disagreement. Hence, one must feel confident that the path he has chosen, i.e. his madhhab, is correct in relation to the others, which he believes are incorrect on the points where they differ with his madhhab, while acknowledging the possibility that the reverse may be true.

Statements from the Early Scholars of the Hanafī School:

One of the principles of fatwa in the Hanafī school is that, in the absence of a clear ruling from the founders of the madhhab, i.e. Imām Abū Hanīfah and his direct disciples, the fatwa of the early mujtahids in the school is binding. On the issue at hand, the ruling only became applicable after the codification of the madhhabs, when a new situation presented itself to the common Muslims, i.e. access to the conclusions of multiple recognised mujtahids following distinct legal methodologies on most issues of jurisprudence. The early mujtahids

of the Hanafī madhhab from this period clearly obligated adherence to a single madhhab in all its rulings. Hence, the views of later scholars of the madhhab like Ibn al-Humām (d. 861 H) and Ibn Nujaym (d. 969) will be disregarded.

The following are some of these statements:

1. Fakhr al-Qudāt Muhammad ibn al-Husayn Abū Bakr Arsa-bandī (d. 512) said:

“If the truth was multiple, it would be allowed for a muqallid to make taqlid of this mujtahid once and taqlid of another at another time, so this would be premising the religion on desire, which is ugly... And those who say the truth is one, consider it necessary for the layperson to follow one Imām – whose position according to him is that he is the most learned based on the evidence of inspection – and he does not oppose him in anything based on his personal whim.” (Taqwīm Usūl al-Fiqh, Dār al-Nu‘mān lil ‘Ulūm, 2:868)

In this statement, al-Arsābandī is refuting the Mu‘tazilī belief that the truth in an issue open to differences of ijtihād is multiple. He says that this would entail the layperson is allowed to follow different mujtahids which would be basing religion on desire (and not on religious obligation). Hence, there is a clear indication in this passage that the reason why one must adhere to a single madhhab is that to do otherwise would entail basing religion on desire. The reason why giving such an option to a muqallid entails basing the religion on desire has been articulated by al-Arsābandī’s Shāfi‘ī contemporary, Imām al-Ghazālī, in the passage that will be quoted from him further below. In brief, the limit of a muqallid’s ijtihād is to determine that one madhhab appears superior to the other.

Beyond that, the muqallid does not have the capacity to adjudicate between the madhhabs on individual points of difference. Hence, the only reason he would follow one madhhab in some rulings and another in other rulings is in following his desires (even if he does not realise it or believe so).

Thereafter, al-Arsābandī asserts the scholars who hold that the truth is one – meaning, the scholars whose view we subscribe to – believe that it is necessary for the layperson to follow one Imām. The process by which the layperson selects which Imām he will follow is to apply his mind and choose the one he feels is most learned. The reason he is to do this is precisely because the truth in an issue of disagreement is one. If one did not have confidence that his madhhab is superior, he would not have belief in its injunctions being correct, and in order for the laws of Sharī'ah to properly function, it is necessary that a person believes they are correct. Hence, al-Arsābandī clearly advocates the obligation of adherence to a single madhhab on the basis that giving the layperson the option to choose from different madhhabs on different occasions entails basing the religion on personal whim.

2. Ahmad ibn Muhammad ibn 'Umar Abu l-'Abbās al-Nātifi (d. 446) said, commenting on a statement of Imām al-Hasan ibn Ziyād (d. 204) regarding the options available to a person “ignorant of knowledge” (al-jāhil bi l-'ilm) when presented with multiple different fatwas:

“This is when the questioner is on the madhhab of the people of 'Irāq, and one scholar issues fatwa on the view of Abū Hanīfah and another scholar issues fatwa on the view of Abū Yūsuf and another scholar issues fatwa on the view of Muhammad or the view of Zufar, for he may not opt for the view of al-Shāfi'i nor the view of Mālik.” (Mu'in al-Hukkām, p. 27)

This statement illustrates that in the fourth century, the Hanafī scholars spoke in a context of laypeople (who are “ignorant of knowledge”) adhering to a single madhhab. Moreover, such people were not allowed to step outside of the madhhab. It also illustrates “adherence to a madhhab” refers to the madhhab as a whole and not to a single person, i.e. a body of scholars belonging to the same juristic school.

It is important to note here that the view of those scholars who spoke about the layperson having a choice to select from multiple different fatwas presented to him does not contradict this paradigm, precisely because, as al-Nātifī mentioned, a layperson is restricted to follow the scholars of his school and is not necessarily restricted to any particular scholar within the school. Hence, this “choice” refers to the scholars within one’s school and not outside of it.

3. Imām Muhammad ibn Mahmūd ibn al-Husayn al-Asrūshani (d. 632) said:

“It is permissible for a man and woman to switch from the Shāfi‘ī madhhab to the Hanafī madhhab and, likewise, vice versa, but in totality. As far as a single issue is concerned, he will not be allowed [to do that]; such that if blood was to come out from a person of the Hanafī madhhab and it flowed, it will not be permissible for him to pray before performing wudū’, imitating the madhhab of al-Shāfi‘ī in this issue, and if he prayed before performing wudū’, he will be punished.”

4. Fakhr al-Dīn Muhammad ibn Mahmūd (d. ca. 570 H) said:

“The slaves are ordered to act on the evidences of Shari‘ah...As far as the generality of the Muslims are concerned, it is not in the capacity of everyone to give preference to evidences and exercise ijtihād, but

he must give preference to an Imām he considers, and he will be a follower of him. When he contemplates and gives preference to an Imām over an Imām, and he considers his path true and right, the view of others becomes invalid for him, so it is not permissible for him to act on their madhhab, just like a mujtahid when an evidence is authentic according to him, he does not act on the remaining [evidences]. It is only such because all people are ordered to act on the command of Allāh, whether they are scholars or non-scholars, but the scholars are ordered [to do so] with evidences and precedents and giving preference to one of the evidences, and the commoners are ordered to give preference to the scholars as it is not in their capacity [to do] other than that, in order that everyone will be observant of the command of Allāh (Exalted is He)."

Although he does not state it explicitly, the reason why a non-scholar must select one scholar (i.e. mujtahid) he believes is superior – although this was not the rule in the earlier period – is because, as alluded to in this passage, to not do so would negate him being "observant of the command of Allāh" and acting on the "evidences of Sharī'ah". The only reason this would be so is that if the layperson is free to select whatever opinion he pleases, religious compulsion or obligation would be lifted, and he will become a follower of his personal whim as opposed to the Sharī'ah.

Fakhr al-Dīn also said:

"Rigidity in the madhhab is wājib, and fanaticism is impermissible. Rigidity is to act on what is [the of view] his madhhab and he believes it is true and correct, and fanaticism is imprudence and rudeness with respect to the founder of another madhhab, and all that stems from his denigration. That is not permissible, because the Imāms of the Muslims are in search of what is right and they are on the truth"

5. ‘Ubayd Allāh ibn ‘Umar ibn ‘Isā, Abū Zayd al-Dabūsī (368 – 430 H) said:

“The one who regards the truth as multiple [like the Mu‘tazilah] establishes choice for the layperson to select [from them] based on his personal whim. And the one who says the truth is one, he makes it necessary for the layperson to follow one Imām, whose position according to him is that he is the most learned based on the evidence of inspection, and he does not oppose him in anything based on his personal whim.” (Taqwīm al-Adillah, p. 410)

Al-Arsābandī’s statement quoted earlier is a rephrasing of this passage of al-Dabūsī. Hence, the same explanation applies.

6. Zahīr al-Dīn al-Marghīnānī al-Kabīr ‘Alī ibn ‘Abd al-‘Azīz (d. 506) said:

“A layperson of the Hanafī madhhab bleeds and did not repeat purification, imitating al-Shāfi‘ī with respect to this ruling, that is not permissible for him.”

7. Shaykh al-Islām Burhān al-Dīn ‘Alī ibn Abī Bakr al-Marghīnānī (511 – 593 H) said:

“A [Hanafī] man suspends divorce of marriage and then he marries a woman and seeks fatwa from [a person belonging to] the Shāfi‘ī madhhab, and he issues fatwa according to his madhhab that the divorce has not occurred, it will not be a proof with respect to him.”

If a man were to say, “Every woman I marry is divorced,” the suspended divorce takes effect in the Hanafī madhhab but not in the Shāfi‘ī madhhab. According to this fatwa of Imām al-Marghīnānī, a Hanafī may not accept the fatwa of a Shāfi‘ī who tells him the divorce has not occurred.

In explaining why the early Hanafī scholars obligated the layman to stick to one madhhab, Ibn al-Humām (788 – 861 H) said:

“Most probably the compulsions [of adhering to a single madhhab] such as these from them [i.e. the earlier scholars of the school] was to prevent them [i.e. the laypeople] from seeking out the easiest opinions (tatabbu‘ al rukhas), for otherwise the layperson will select the view of a mujtahid whose opinion is least burdensome on him.” (Fath al-Qadīr)

Unfortunately, Ibn al-Humām did not agree with this established view and even allowed seeking out the easiest opinions of the madhhabs (tatabbu‘ al-rukhas)! Tatabbu‘ al-rukhas is forbidden by consensus, as stated by Ibn ‘Abd al-Barr. The personal opinion of later scholars cannot override the established consensus of the early scholars. In discussing the position attributed to ‘Izz al-Dīn ibn ‘Abd al-Salām on the permission of tatabbu‘ al rukhas, Imām al-Wan-shirīsī al-Mālikī (d. 914 H) said:

“Ibn Hazm and Abu ‘Umar [ibn ‘Abd al-Barr] have related consensus [on the prohibition of tatabbu‘ al-rukhas], and its basis is transmission, while ‘Izz al-Dīn did not clarify any basis for his fatwa, so it may be an opinion that he held and was isolated in, or a consequence of [his] opinion which is what is apparent from the force of his speech. Whatever it may be, it is an innovated view after an earlier consensus, so it is rejected (bātil) due to its implication of imputing error on the ummah, and imputing error on them is prohibited as established in the principles of Fiqh.”

We will also see from some of the statements of early Imāms that following the codification of the madhhabs, there was consensus that a layperson must adhere to a single madhhab. Hence, this early consensus too may not be superseded by the view of some later scholars. From these quotes from the early authorities of the madhhab, we

learn that the official Hanafī position is that a layperson must stick to a single madhhab, believing all its rulings are correct, and he may not switch madhhabs on single issues. The view of Ibn al-Humām and subsequent scholars in opposition to this cannot override the established position of the madhhab. ‘Allāmah Qāsim ibn Qutlūbughā (802 – 879 H) said: “The researches of our teacher [Ibn al-Humām] which are contrary to the madhhab will not be acted upon.” (Sharh ‘Uqūd Rasm al-Muftī, p. 35)

One final point we will mention here is that in the early Hanafī school, some scholars mentioned an exception to this rule, which is that a Hanafī muqallid may accept the fatwa of a Shāfi‘ī mufti in the case of the suspended divorce. However, ‘Allāmah Ibrāhīm ibn Husayn Bīrī al-Makkī (d. 1099), the Hanafī mufti of Makkah, has explained in a treatise on this subject, called Ghāyat al-Taḥqīq fī ‘Adami Jawāz al-Talfīq fī l-Taqlīd – in which he addresses a number of other such doubts –, that this is not an example of leaving the madhhab nor is it an exception to the rule. This is because al-Zāhidī (d. 658 H) reported that the “Shāfi‘ī view” in this example is an opinion transmitted from Imām Muhammad ibn al-Hasan al-Shaybānī, and many of the early mujtahids from Khawārizm would issue fatwa on it.

In brief, there is nothing in the recorded views of the early mujtahid scholars of the madhhab that upsets the paradigm we have presented.

Statements from the Early Scholars of the Shāfi‘ī School:

1. Imām al-Haramayn, Abu l-Ma‘ālī ‘Abd al-Malik ibn Abī Muhammad al- Juwaynī (417 – 478 H) said:

“If it is said: Is it permissible for a layperson to subscribe in some juristic rulings to the madhhab of al-Shāfi‘ī and in some of them to the madhhab of Abū Hanīfah, and likewise the madhhab of all the

Imāms in this fashion? If you say: That is permissible, and it is not necessary for anyone to adhere to the founder of a specific madhhab, then there is no need in that case to author this book, because he has no need to recognise the “more correct” and follow what is right and true [according to him], but he does whatever he wishes according to the madhhab of whomsoever he desires.

“The answer is: We say: It is not permissible for the layperson [to do] what you mentioned. Rather, it is definitely necessary for him to specify a madhhab from these madhhabs, either the madhhab of Al-Shafi‘ī – may Allāh be pleased with him – in all cases and subsidiaries, or the madhhab of Mālik or the madhhab of Abū Hanīfah or other than them – the pleasure of Allāh be upon them. He may not subscribe to the madhhab of al-Shāfi‘ī in some of what he desires and the madhhab of Abū Hanīfah in the remainder of what he approves, because if we allowed it, that will lead to immense confusion and lack of regulation. Its outcome will be the negation of [religious] obligations and there would be no benefit to the [religious] obligation established on him, since if the madhhab of al-Shāfi‘ī necessitates the impermissibility of something and the madhhab of Abū Hanīfah necessitates the permissibility of that very thing or vice versa, if he wishes he may incline towards permissibility and if he wishes he may incline towards impermissibility, so neither permissibility nor impermissibility would be realised. In this is the negation of obligation and nullification of its benefit and uprooting of its foundation. And that is rejected (bātil). “If it is said: Was it not that in the era of the Sahābah, a person was given the option between selecting, in some cases, the madhhab of al-Siddīq, and in some, the madhhab of al-Fārūq, and likewise with respect to all the Sahābah in all cases, and they did not prevent him from that? So since this is permissible amongst the Sahābah, why is it not allowed in our time?

“The answer is that this was only so because the juristic principles

of the Sahābah were not adequate for all cases, comprehensive of all rulings, encompassing all subsidiaries, covering all details, because they laid the groundwork, founded principles, paved the foundations and did not dedicate themselves to deriving subsidiaries and elaborating the details. Hence, the madhhab of Abū Bakr was not adequate for all cases, and likewise the madhhab of all Sahābah, so because of necessity, it was permitted for muqallids to follow Abū Bakr in some cases and in that which his opinion was not found, to follow al-Fārūq. As for this era of ours, the madhhabs of the Imāms are adequate and encompassing of all, because there is no case that occurs except that you find it in the madhhab of al-Shāfi‘ī or in the madhhab of other than him, either explicitly or by derivation, so there is no necessity to follow two Imāms together.” (Mughīth al-Khalq, 13-16) This is a very explicit passage showing the reason for the difference between pre and post codification of the madhhabs.

Al-Juwaynī mentions that, if allowed to follow more than one madhhab, it will lead to two things: one is immense confusion and the other is lack of regulation. It is possible that by “immense confusion” there could be an allusion to the inconsistency in juristic methodology that would arise if a layperson followed multiple madhhabs. This is supported by his reference to the “principles” of the Sahābah which he states were insufficient for all juristic issues. On the other hand, the principles of the codified madhhabs were complete and applied to more or less all juristic issues. It is because of the insufficiency of the methodologies of the Sahābah that, out of necessity, the layperson was permitted to accept rulings from multiple mujtahids.

“Lack of regulation” refers to, as al-Juwaynī elaborated, the removal of religious obligation, by giving the legally obligated individual the option to choose between different legal rulings on the same issue.

Moreover, al-Juwaynī is emphatic in this ruling, saying it is “definitely” (hatman) obligatory on the layperson to adopt a single madhhab, and the repercussions of saying otherwise is something that is outright rejected (bātil). Scholars who in the present time hold the same strict stance, therefore, are fully justified in doing so.

2. Recording the position of Shams al-Islām Abu l-Hasan ‘Alī ibn Muhammad Ilkiyā al-Harrāsī (450 – 504 H) , Imām al-Nawawī said:

“If [a layperson] is not ascribed [to a madhhab], it is premised on two views, which Ibn Barhān related, in that: Is it necessary for the layperson to adopt a particular madhhab, adopting its dispensations and strictures?...The second [view] is it is necessary for him. Abu l-Hasan al-Ilkiyā positively asserted it, and this applies to all who have not reached the level of ijtihād from the jurists and the adherents of all sciences. Its basis is that if following any madhhab he wished was permissible, it will lead to collecting the dispensations of the madhhabs, in following his desire, and choosing between permission and prohibition, obligation and permissibility, and that will lead to relinquishing the burden of responsibility; as distinguished from the first period [of Islām] because the madhhabs incorporating laws related to all outcomes were not refined.

Based on this, it is necessary for one to strive to choose a specific madhhab he will follow. We will pave for him a simple path he should follow when striving to do so. Thus, we say: Firstly, he may not follow in this mere desire and inclination towards what he found his forefathers upon; and he may not adopt the madhhab of any of the Imāms of the Sahabah (Allah be pleased with them) and others from the early ones, even though they were more learned and higher in rank than those who came after them because they did not devote themselves entirely to compiling knowledge and outlining its prin-

ciples and its branches, so none of them had a refined, codified and approved madhhab, and only those who came after them from the Imāms who were affiliated to the madhhabs of the Sahābah and the Ṭabī‘in took up this task, undertaking the responsibility of laying down the laws pertaining to all happenings before they occurred, and attempting to clarify their principles and branches, like Mālik, Abū Hanīfah and others.” (Al-Majmū‘ Sharh al-Muhadhdhab, 1:93) The position of Ilkiyā al-Harrāsī presented here is similar to that of his teacher, al-Juwaynī. However, here there is the addition that the layperson is obligated to select the madhhab he will follow based on a personal examination of which madhhab he feels is superior.

As mentioned earlier, the reason for this obligation is the necessity to have firm belief in the correctness of the legal injunctions one is following.

3. Hujjat al-Islām al-Ghazālī, Abū Hāmid Muhammad ibn Muhammad (450 – 505 H) said while discussing the conditions for condemning a wrong (munkar):

“The fourth condition is that its being munkar is known without ijtihād. So all that is in a place of ijtihād, there is no accountability therein. Hence, a Hanafī may not condemn a Shāfi‘ī for eating a lizard and hyena and [the animal over which] saying bismillāh was left out, and a Shāfi‘ī may not condemn a Hanafī for drinking non-intoxicating nabīdh and taking inheritance of distant relatives and residing in a house which he acquired by [the right of] pre-emption of a neighbour, and other such [examples] from the places of ijtihād. “Yes, if a Shāfi‘ī sees a Shāfi‘ī drinking nabīdh and marrying without a guardian and [thereafter] engaging in intercourse with his wife, then this is in a place of consideration. The most apparent [view] is that he has [the right of] taking him to task and rebuking [him]; since none of the scholars have opined that it is permissible for a

mujtahid to act on the dictates of the ijtihād of other than him; nor that the one whose judgement in taqlīd led him to a man he considers the best of the scholars that it is permissible for him to select the madhhab of other than him, choosing from the madhhabs the most pleasing of them to him. Rather, it is incumbent on every muqallid to follow his Imām in every detail. Thus, his opposition to [his] Imām is by agreement of the scholars a munkar, and he is sinful in opposing [him].” (Ihyā’ ‘Ulūm al-Dīn, 2:321)

In this passage, al-Ghazālī has quoted consensus that a muqallid must follow his Imām who he believes is superior to the other Imāms. Moreover, by mentioning that he may not “choose from the madhhabs the most pleasing of them to him,” there is an indication that the reason for this restriction is that it would lead to tatabbu’ al-rukhas and following desires.

Al-Ghazālī further said in the same passage, rejecting the contrary view:

“The view of the one who opines that it is permissible for every muqallid to choose from the madhhabs whatever he wishes is not given consideration. Probably it is not authentic that any opiner opined it at all. So this is a view that is not established, and if established, it is given no consideration.” (Ihyā’ ‘Ulūm al-Dīn, 1:322)

In this passage, it is clear that what al-Ghazālī meant by the muqallid’s “Imām” in the previous passage is his madhhab, and not the individual Imām per se. Furthermore, al-Ghazālī knows of no disagreement on the impermissibility of selecting from all the madhhabs as one wishes. Rather, it is necessary to restrict oneself to a single madhhab. And finally, he says, even if anyone were to have disagreed, his opinion is rejected.

In a letter to Qādī Abū Bakr al-Mālikī (d. 543 H), Imām al-Ghazālī said:

“It is not permissible for the muqallid of a scholar to choose the most pleasing of the madhhab to him and the most agreeable to his temperament. He must make taqlīd of his Imām who he believes to have the correct and right madhhab in relation to other than him, and follow him in all that comes and goes. Hence, it is not permissible for a Mālikī to switch to the madhhab of al-Shāfi‘ī unless it overpowers his mind that its opinions are more correct. In that case, it is necessary to make taqlīd of him in all juristic rulings. If it is not that, then there is no motive for him to oppose [his madhhab] except whim, just as it is not permissible for a mujtahid to oppose the conclusions that his ijtihād reached...

“It is necessary for every Muslim to follow what overwhelms his mind that it is the most correct in acts of devotion. This condition in the muqallid is achieved by considering what his Imām – whose opinion being sound has overwhelmed his mind – is upon as correct; just as knowledge of the best of doctors in the lands is achieved by the one who is ignorant of it. This is either through hearing from the mouths [of people] or observing most people [going to] a particular person, or his hearing two people or one person whose assessment is good [according to him] and his heart feels comfortable with him; like if he were to hear from his parents the excellence of Mālik and al-Shāfi‘ī, and he assents to it and his heart feels comfortable with it. Hence, it is not permissible [for him] to oppose his assessment.

“If he were to say: ‘My assessment in other than this legal case is that the one I made taqlīd of is wrong,’ muqallids are not entitled to this. His ijtihād in individual issues is an error and it is as though in his mind he knows that which his Imām does not know in other than this issue [in which he made taqlīd of him], and this is ignorance! As for following al-Shāfi‘ī in an issue in which he opposed a Sahābī, it is

necessary to have the assumption of al-Shāfi'ī that he did not oppose him except for an evidence stronger than the madhhab of the Sahābī. If this was not assumed, he would ascribe to al-Shāfi'ī ignorance of the position of the Sahābī, and this is impossible. This is the reason for giving preference to the madhhab of the later ones [i.e. the four Imāms] over the earlier ones [i.e. the Sahābah], despite knowledge of the superiority of their knowledge over theirs; as the earlier ones heard hadīths solitarily and dispersed in the lands and their fatwas and decrees differed in the lands, and sometimes hadīths reached them and they withheld from what they opined and decreed. In the first era, they did not get involved in collecting hadīths due to their occupation with jihād and laying down [the foundations of] the religion. Then when the people reached [the time of] the successors of the Tābi'īn, they found Islām settled and established, so they diverted their attention towards collecting hadīths from the furthest lands and places by means of journeys and travels. Thus, the later ones inspected after encompassing all the proofs of the laws, and they did not contravene what was opined in the earlier [period] except for an evidence stronger than it..." (Al-Mi'yār al-Mu'rib, 11:164-5)

This is an explicit passage that according to al-Ghazālī, a muqallid must make taqlid of the madhhab of his Imām in all rulings. He may not follow one madhhab in some rulings and another in other rulings, and al-Ghazālī is clear that the only reason that a muqallid would do this is in following his desires. The limit of a muqallid's ijtihād is to determine that one madhhab appears superior to the other. Beyond that, the muqallid does not have the capacity to adjudicate between the madhhabs on individual points of difference. Hence, he must choose one madhhab he feels is superior and adhere to it completely, as the only reason for shifting in individual rulings would be vain desire (even if the muqallid does not realise it).

4. Shāfi‘ ibn ‘Abd al-Rashīd Abū ‘Abdillāh al-Jīlī (470 – 541 H) is referred to in the following passage of al-Zarkashī:
 “If [a muqallid] adhered to a specific madhhab, like [the madhhab of] Mālik or al-Shāfi‘ī, and he believed in its superiority in general, is it permissible to oppose his Imām in some juristic rulings and select the opinion of another mujtahid besides him? In this are [the following] views: First, prohibition. Al-Jīlī positively asserted this in al-I‘jāz, because the view of every Imām is independent in individual cases, so there is no need to shift except following desires, and due to what is in it of following dispensations and playing with religion.”
 There is a clear indication in this statement that the only reason the earlier generations did not restrict themselves to a single mujtahid is because there was a need: the rulings of each mujtahid on all juristic issues were not known, making it necessary to refer to multiple mujtahids. Al-Juwaynī was quoted earlier making the same point. Furthermore, the reason for restricting oneself to a single madhhab, i.e. the potential of following desires, is also alluded to in this statement. Although al-Jīlī does not say that a layperson must at the outset select a madhhab, but since his reasoning is that to have the option to select from multiple madhhabs bears the consequence of following desires and playing with the dīn, it would entail that his opinion is it is necessary for a layperson to choose one madhhab he will follow in all its rulings. Safī al-Dīn al-Hindī (644 – 715 H) said after mentioning this very reasoning:

“This evidence demands that it is necessary for the layperson to subscribe to a specific madhhab at the outset.”

Moreover, it is also clear from this passage that al-Jīlī saw no reason why a muqallid would shift from one madhhab to another – when there was no dire need as in the early period – besides following vain desire (tashahhī).

5. Al-Qaffāl al-Marwazī, Abū Bakr ‘Abdullāh ibn Ahmad’s (327 – 417 H) opinion is mentioned in the following passage from al-Nawawī’s Sharh al-Muhadhdhab:

“Shaykh [Abū Muhammad al-Juwaynī] said: It will be considered if he [i.e. the layperson] is ascribed to a madhhab, we will premise it on two views which al-Qādī Husayn related in that the layperson does he have a madhhab or not?...The second, and this is the most authentic according to al-Qaffāl, is that he does have a madhhab, so it is not permissible for him to oppose it.” (al-Majmū‘ Sharh al-Muhadhdhab, 1:93)

In explaining al-Qaffāl’s view, Ibn al-Salāh states:

“Because he believes that the madhhab which he is ascribed to is the truth and he gave it preference over other than it, so he must follow through with the demand of this belief of his. Hence, if he is a Shāfi‘ī he may not seek fatwa from a Hanafī, nor oppose his Imām.”

This proves that according to al-Qaffāl once a muqallid has selected a madhhab, he must adhere to it in all its rulings.

6. The “Ashāb al-Wujūh” were major early mujtahids in the Shāfi‘ī madhhab, generally having lived between the third and fifth centuries. Al-Nawawī describes them as follows: “A mujtahid restricted to the madhhab of his Imām, independent in establishing his viewpoints with evidence, although he does not go beyond the foundations of his Imām and his principles in his evidences. His condition is knowledge of jurisprudence and its principles and the detailed evidences of laws, and insight into the methodology of [drawing] legal analogies and [determining] the ratio legis. [He is] fully trained in extraction and derivation, capable of linking what is not explicitly mentioned by his Imām to his principles.” Al-Nawawī

then said: “This is a description of our Ashāb, the Ashāb al-Wujūh.” (Sharh al-Muhadhdhab, p. 76) Some examples of Ashāb al-Wujūh are: Abū ‘Alī al-Husayn ibn Sālih ibn Khayrān (d. 320 H), Abū Yahyā Zakariyyā ibn Ahmad al-Balkhī (d. 330 H), Zāhir ibn Ahmad al-Sarakhsī (d. 389 H) and Abū Bakr al-Awdanī (d. 385 H).

Al-Nawawī said:

“If [a layperson] is not ascribed [to a madhhab], it is premised on two views, which Ibn Barhān related from our Ashāb, in that: Is it necessary for the layperson to adopt a particular madhhab?... The second it is necessary for him. Abu l-Hasan al-Ilkiyā positively asserted it, and this applies to all who have not reached the level of ijtihād from the jurists and the adherents of all sciences. [This is so] in order that he does not collect the dispensations of the madhhabs; as distinguished from the first era when the madhhabs were not codified such that their dispensations may be collected. Based on this, it is necessary for one to strive to choose a specific madhhab he will follow in everything. He may not adopt a madhhab based merely on whim, nor with what he found his forefathers upon. This is the statement of the Ashāb.” (Rawdat al-Tālibīn, 8:101)

In explaining the view of the Ashāb, al-Nawawī clearly mentions that in the early period the laypeople were not able to seek out the easiest opinions of the mujtahids, precisely because their madhhabs were not codified.

In short, there is very strong support from within the early Shāfi‘ī school for the paradigm of taqlīd we have proposed in the introduction. Furthermore, Imām al-Ghazālī effectively quoted consensus on this ruling, and as mentioned earlier, the disagreement of later scholars cannot override the binding consensus of the earlier jurists.

Statements from the Early Scholars of the Mālikī School:

1. Shaykh al-Islām Qādī Abu l-Faḍl ‘Iyād ibn Mūsā (476 – 544 H) said: “Know – may Allāh give us and you success – that the ruling of the one devoted to the orders of Allāh (Exalted is He) and His prohibitions, obedient to the Sharī‘ah of His Prophet (Allāh bless him and grant him peace), is to seek acquaintance of this and that with which he will render devotion [to Allāh] and that which he will perform and will omit, and [that which] is necessary for him and forbidden, and [that which] is permissible for him and encouraged, from the Book of Allāh and the Sunnah of His Prophet, for they are the two foundations which the Sharī‘ah is known only by means of and Allāh is rendered devotion only by knowledge of.

“Furthermore, the consensus of the Muslims is built upon them, and dependent on them. Thus it cannot be found nor convened, except [based] on them, either from a text which they knew and then did not transmit or from a deduction based on them – based on the view that a consensus via the route of ijtihād is valid.

“All of this will not be complete except after making knowledge of them, and the means and tools allowing him to reach it, a reality, in terms of transmission and reason, and pursuit of it, collection and retention, and knowledge of what is sound from the traditions and famous, and acquaintance of how to gain understanding, and that by which he will gain understanding, in terms of knowledge of the outward of the words, which is knowledge of Arabic and language, and knowledge of their meanings and the meanings of the intent of Sharī‘ah and its objectives, and the clear directive of speech, its outward and its purport and all its angles, which is termed “knowledge of the principles of jurisprudence”, most of which is connected to knowledge of Arabic and the objectives of speech and conversation, and then [knowledge of] the source of making a [legal] analogy of what has not been explicitly stated on what has been explicitly stat-

ed, drawing attention to the presence of the legal reason in it or its resemblance to it. "All of this requires time, while devotion [to Allāh and Sharī'ah] is necessary immediately. Moreover, those who have reached this road, which is the road of ijtihād and ruling by it in the Sharī'ah, are few and fewer than few after the first era and the righteous Salaf and the praiseworthy three generations.

"Since this is so, it is necessary for the one who has not reached this position from the legally responsibility individuals (muakkallafīn) to receive what he will render devotion with and which he was legally obligated with, in terms of the tasks of Sharī'ah, from those who transmit it to him, and make him aware of it, and [who] he depends on in his transmission, knowledge and assessment. This is taqlīd, and the rank of the common people, nay most of them [i.e. people], is this!

"Since this is so, it is necessary to make taqlīd of a scholar that is dependable upon in that, and when the scholars become abundant, then the most learned. "This is the share of the muqallid in terms of ijtihād (exercising judgement) for his religion. The muqallid will not abandon the most learned and go towards other than him, even if he [too] is engaged in knowledge. Thus, he will ask about that of which he does not have knowledge until he knows, just as Allāh (Exalted is He) said: 'Ask the people of knowledge if you do not know.' And the Prophet (Allāh bless him and grant him peace) ordered imitation of the caliphs after him and his companions, and indeed the Prophet (Allāh bless him and grant him peace) dispatched his companions amongst the people to teach them the understanding of religion, and teach them what is prescribed upon them, and Allāh (Exalted is He) encouraged all of them, that from each group a party of them go forth in order to gain understanding in the religion and warn their people when they return to them. (Qur'ān, 9:122)

“Since this matter is necessary and inevitable, and the most worthy and deserving of those who the ignorant layperson and the novice worshipper and the student seeking guidance and the one seeking understanding in the religion of Allāh make taqlīd of are the jurists of the companions of the Messenger of Allāh (Allāh bless him and grant him peace), who took knowledge from him and knew the reasons for the revelation of the commands and prohibitions, and the functions of the laws, and the contexts of his (upon him peace) speech, and they witnessed the indications of it, and they spoke directly in most of them with the Prophet (upon him peace), and they asked him about them, along with what they were upon of vast knowledge and acquaintance with the meanings of speech and illumination of hearts and expansion of breasts, so they were indisputably the most learned of the Imāms, and the worthiest of them to make taqlīd of, but they did not speak about the legal cases except in the small number [of them] that arose, nor were juristic rulings derived by them, and they did not speak about the Sharīʿah except of principles and events, and most of their occupation was in acting on what they knew, and defence of the territory of religion, and consolidating the Sharīʿah of the Muslims. Moreover, there is disagreement amongst them in some of what they spoke of, which will leave the muqallid in confusion, and will force him to contemplate and have reservation.

“Derivation [of subsidiary rulings], drawing results and elaborating the [points of] discussion in that which is expected to occur only came after them. Thus, the Tābiʿūn came, and they analysed their disagreement and they built on their foundations, and then after them scholars arose from the successors of the Tābiʿūn, and events became numerous, legal cases took place, and the fatwas on them became diverse, so they gathered the views of all [scholars], and they preserved their jurisprudence, and they researched their disagreement and their agreement, and they were cautious of the matter be-

coming dispersed and the disagreement going out of control, so they exercised their reasoning in collecting the traditions and regulating the principles, and they were asked and they answered, and they founded principles and paved foundations and derived legal rulings based on them, and they authored for the people works on this and arranged them into chapters, and each of them acted in accordance with what was inspired to him and he was granted accordance to [do], so the knowledge of principles and subsidiaries, disagreement and agreement, reached its peak with them, and they drew analogy on what reached them of what it indicates to or it resembles. May Allāh be pleased with them all and give them the full reward for their efforts.

“Thus, it is stipulated for the lay muqallid and the novice seeker of knowledge to refer in [his] taqlīd to these [mujtahids] for the texts of his legal cases, and refer to them in what is unclear [to him] therefrom, due to the encompassment of the science of Sharī‘ah and its revolving around them, and their excellence in analysing the madhhabs of those who came before them, and their sufficing of that for those who came after them.

“However, taqlīd of all of them will not be possible in most legal cases and the majority of rulings, due to their disagreement based on the different principles on which they built [the rulings]. And it is not correct for a muqallid to make taqlīd of whosoever he wishes from them based on whim and chance, or based on what he finds the people of his vicinity and his family upon.

“Thus, his share here of ijtihād is analysing the most learned of them, and gaining recognition of the worthiest of the totality of them for taqlīd, so that the layperson will incline in his deeds to his fatwas, and will rely in his acts of piety on what he opined...It is not permissible for him to trespass in consulting those whose madhhab he does

not adhere to for fatwa, since some of the elders said: ‘The Imām for the one who adopts his madhhab is like the Prophet (upon him peace) with his ummah – it is not permissible for him to oppose him.’ This is correct in terms of reasoning, and in what we elaborated, its soundness is manifest to the people of insight.

“...Once this introduction is established, we say: The consensus of the Muslims in all places of earth has occurred on taqlīd in this fashion, and adherence of them, and studying their madhhabs and not those before them, while acknowledging the excellence of those before them and their priority and their superior knowledge, but the problems [in following them] are as we described and the sufficiency of what they selected from them is as we mentioned earlier.

“...The people today in all the lands of the world have evolved into five madhhabs: Mālikīs, Hanafīs, Shāfi‘īs, Hanbalīs and Dāwūdīs – and they are known as Zāhirīs. Thus, it is incumbent on a student of knowledge and the one wishing to gain acquaintance of what is true and correct to recognise the most worthy of them of taqlīd, in order to depend on his madhhab and tread his path in seeking jurisprudential knowledge.” (59 – 67)

The important points to note from this lengthy passage of Qādī ‘Iyād are, firstly, that he notes most people in his time were muqallids; secondly, the reason it is not possible to follow the madhhab of a single Sahābī is that no Sahābī has a unified madhhab relating to all issues of jurisprudence; thirdly, and perhaps most importantly, Qādī ‘Iyād identifies the reason why it is necessary to adhere to one madhhab as the different principles of each madhhab on which they based their rulings – following all of them, therefore, will result in a contradiction in the outcome; finally, he relates consensus on this type of taqlīd i.e. the obligation of adhering to a single madhhab one believes to be superior to the others.

2. Imām al-Māziri, Abū ‘Abdillāh Muhammad ibn ‘Alī al-Tamīmī (453 – 536 H) said:

“When a question came to me from Tūnis – Allāh protect it – when a man who a long time ago had studied part of the science of Usūl under me had married a woman and divorced her thrice, and then considered her permissible [for him], after a man solemnised [the marriage] with her and did not have intercourse with her, so a question about him came to me from the judge and the jurists of the city, I reprimanded him excessively, and I went into excess, until he thought I gave them permission to punish him! I mentioned that this is a door, if opened, repercussions would occur in terms of religion and consequences in terms of adherence to the laws [of Sharī‘ah].

“...That which I believe of the resolute religion is that it is prohibited to exit the madhhab of Mālik and his companions as a protection against the path [towards the negative repercussions]. If this was legalised, a man would say: I will sell one dinar for two dinars due to what was narrated from Ibn ‘Abbās and then someone will come who will say: I marry a woman and I make her private part lawful without a guardian nor witnesses in imitation of Abū Hanīfah with respect to the guardian and of Mālik with respect to witnesses, and I will marry her for a meagre price in imitation of al-Shāfi‘ī. This is the greatest opportunity for disaster. This practice would be severed in the earlier times, despite the scrupulousness of its people and their fear of their honour and their religion. So what of when the matter has reached a time wherein its people have fallen short of the conditions of those who came before in such a way that is not hidden to the intelligent. This is a time when it is more suitable to cut off the substances of laxity in religious matters. ...You see our imams who would fear Allāh (Great and Glorious is He) exaggerate in condemning laxity in the matter of religion and leaving one madhhab for another madhhab, due to what it will lead to in terms of corruption.” (Fatāwa l-Māziri, al-Dār al-Tūnisiyyah, 151-3)

In this passage, al-Māziri explains the importance of regulatory measures to keep laypeople in check from falling into unwanted consequences. Two such consequences he refers to in this passage are: adopting shadhdh opinions, such as Ibn ‘Abbās’s opinion of allowing the sale of one dirham for two dirhams on spot; and talfiq as in the example of the marriage that he described made up of the opinions of three different madhhabs.

Al-Māziri also mentions in this passage that scholars had put these measures before his time also. There is in fact a reference to Mālikī scholars restricting the muftis to giving fatwa only on the madhhab of Imām Mālik as far back as the early third century. Wanshirīsī reports from al-Hārith ibn Miskīn (d. 250 H) and Sahnūn (d. 240 H) that they forbade the muftis of their areas from issuing fatwa on other than the madhhab of Mālik (al-Mi‘yār al-Mu‘rib, 12:26). And as mentioned earlier, quoting from Safī al-Dīn al-Hindī, “This evidence demands that it is necessary for the layperson to subscribe to a specific madhhab at the outset.”

Statements from the Hanbalī School:

1. Najm al-Dīn Ahmad ibn Hamdān ibn Shabīb al-Harrānī al-Misrī al-Faqīh (603 – 695 H) said:

“It is necessary for every muqallid to adhere to a specific madhhab in the most famous [view] and not make taqlīd of other than its adherents.” (al-Insāf, 11:194)

With the final clause, “and not make taqlīd of other than its adherents,” Ibn Hamdān clarifies that the obligation is to restrict oneself to the body of scholars represented by the madhhab, and not only the founder of the madhhab.

Ibn Hamdān also reproduces the statement of al-Nawawī quoting from the Ashāb in his famous work on the protocols of fatwa *Sifat al-Fatwā wa l-Muftī wa l-Mustaftī* (al-Maktab al-Islāmī, p 72)

“The Layperson has no Madhhab”?

The statement “the layman has no madhhab” (al-‘āmmī lā madhhaba lahū) was mentioned by some scholars . This rule applies only to the situation before the codification of madhhabs, as expressed by al-Juwaynī amongst others.

Nāsir al-Dīn Abu l-‘Abbās Ahmad ibn Muhammad Ibn al-Munayyir al-Mālikī (620 – 683 H) said:

“Proof dictates [the necessity of] adherence to a specific madhhab after [the codification of the madhhabs of] the four Imāms not before them. The difference is that the people before the four Imāms did not codify their madhhabs, nor did the legal cases arise in large numbers upon them, such that the madhhab of each of them may be known in all cases or in most of them. The one who asks fatwa of al-Shāfi‘ī, for example, had no knowledge of what the mufti will say because his madhhab was not well-known in that case, or it did not arise before that so it is inconceivable that [anyone] supported it besides the mind of a specific [mufti]. As for after the madhhabs were understood, codified and became famous, and the dispensation was known from the strictures in every case, then a questioner will not alternate – when the condition is such – from madhhab to madhhab except due to an inclination to break away [from responsibility] and seeking ease.”

In this very clear passage, Ibn al-Munayyir explains that before the codification of madhhabs there was little scope to seek out the easiest opinions of the scholars. However, after the codification of the madhhabs, it would be easy to find the easiest opinion on each issue.

Thus, at this time, restricting oneself to a single madhhab became necessary, as a regulatory measure. Hence, the rule, “The layperson has no madhhab” is applicable to the period before the codification of madhhabs. Stating this explicitly, Ibn Hajar al-Haytamī from the late Shāfi‘ī school said:

“The claim that the layperson has no madhhab is rejected. Rather, taqlīd of a recognised madhhab is necessary for him. That [i.e. the layperson having no madhhab] was before the codification of madhhabs and their settlement.”

The rule “the layperson has no madhhab” also applies to those situations, times and places where it would be very difficult or even impossible to obligate a layperson to adhere to a single madhhab, due to complete ignorance or lack of access to all the positions of one madhhab. Some of the later scholars have mentioned this. However, in normal circumstances, due to the reasons that have been explained, a layperson must adhere to a single madhhab in all its rulings.

Conclusion:

There are strong positions in all four madhhabs on the obligation to restrict oneself to a single madhhab. Major scholars from the fifth century of Hijrah quoted consensus on this ruling. The reasons for the ruling have been explained in detail above, and will be summarised below. The scholars who in the present time strictly uphold this view are, therefore, completely justified in doing so.

There were certainly a number of latter-day scholars that tended towards the view of unrestricted taqlīd. The primary reason for this is that some influential scholars supported this opinion after the earlier consensus in opposition to it. Examples include al-Nawawī, al-Qarāfi, Ibn al-Humām and Ibn Taymiyyah. However, as mentioned ear-

lier in the brief discussion on *tatabbu' al-rukhas*, the personal opinions of later scholars cannot supersede an earlier consensus, nor can they form the basis of the official position of the respective schools when the situation under question has remained unchanged.

Moreover, the scholars who give permission for unrestricted *taqlid* generally accept the consensus on the prohibitions of *tatabbu' al-rukhas*, following desires and *talfiq*. Since it is almost impossible to keep the common people from falling into these patterns, the scholars of the present time who support this view should, based on the principle of closing the avenues to impermissible ends (*sadd al-dharā'i'*), put effective measures to avoid these unwanted outcomes. This can only be achieved by limiting them to choose the opinions of a single *madhhab*.

Summary of Main Points:

- Before the codification of the *madhhabs*, in approximately the first three centuries of Islām, the common Muslim was permitted to accept the opinions of multiple *mujtahids*.
- The reason for this is that the common Muslim did not have access to a complete codified set of laws from any single person or school at this time, so it was not generally possible to follow a single *mujtahid* or school.
- Because different *madhhabs* with detailed rules on all chapters of jurisprudence were not yet codified or well-known, an opinion the common Muslim was exposed to was probably the only opinion on that issue he would know. Hence, he would rarely have the option to select between different viewpoints on single issues, making it nearly impossible for him to seek out the easiest opinions from amongst the available views of *mujtahid* scholars and follow his desires.

- After the codification of the madhhabs in approximately the fourth century of Hijrah, it became necessary for a common Muslim to restrict himself to a single madhhab which he believes to be more correct in relation to the other madhhabs
- The reasons for this is that:
 - o **Firstly**, each madhhab was comprehensive and complete, dealing with all the subsidiaries of Islāmic law, so unlike the early period, there was no need to refer to multiple mujtahids or madhhabs
 - o **Secondly**, if given the option to select from the different madhhabs in single issues, the common Muslim would be freed of religious obligation (taklif) and will be free to base his decisions on his whims and desires, by seeking out the easiest opinion from each school.
 - o **Thirdly**, if a layperson follows multiple madhhabs in different rulings, the consequence will be a hotchpotch of legal rulings, many of which are based on conflicting juristic principles, resulting in a methodological contradiction in the outcome, even if not obviously apparent
 - o **Fourthly**, a muqallid's reasoning is limited to investigating which madhhab or mujtahid he feels is superior, and he does not have the right or ability to adjudicate between them on individual issues; thus, if he were to choose from different madhhabs without necessity, it would be based on following desires, even if the muqallid does not realise it or believe so
 - o **Fifthly**, given this option, a muqallid may be led to select opinions outside of the established madhhabs that are shadhdh
 - o **Sixthly**, a muqallid may not be able to observe the conditions of the different madhhabs he is following in a single case, resulting in talfiq
- Major early scholars across all madhhabs before the sixth century of Hijrah have corroborated each of these points, with Qādi

‘Iyād and al-Ghazālī having quoted consensus on the obligation of adhering to a single madhhab

- The opinion of some later scholars in contravention to this, when the situation has remained the same since the consensus of the early scholars, is rejected
- Since there is no need to follow multiple madhhabs in this period, and there is a potential for major repercussions – prohibited by consensus – if it is permitted, it behooves all scholars to give the verdict of the obligation of restricting one’s taqlīd to a single madhhab, on the basis of prudence and practicality, and closing the avenues to unwanted ends
- When some early scholars spoke of a layperson “having choice” (which was stated even by some of those scholars who obligated restricted taqlīd) or “having no madhhab”, they refer to the times and scenarios where these are applicable, such as:
 - o If a muqallid has not yet selected a madhhab, or is in such a position that he does not have full access to any single madhhab, he may take fatwa from a scholar of any madhhab
 - o A muqallid of a particular madhhab in some situations has the choice of accepting different fatwa positions within his school
 - o The layperson in the era before the codification of madhhabs had no madhhab for the reasons outlined earlier.



Appendix

‘Allāmah Anwar Shāh Kashmīrī (1292 – 1352 H) said in Fayd al-Bārī: “It has not escaped you that Ibn Nujaym in Qadā’ al-Fawā’it and Ibn ‘Abidin in the introduction to Radd al-Muhtār gave allowance to a dangerous slip, since they allowed an uneducated person who does not know the madhhab of anyone to ask regarding his five Salāhs from whichever scholar from the scholars of the four madhhabs he wishes, and act on whatever he wishes from their fatwas.

“I say: “This is rejected (bātil), because its consequence is that the uneducated person has no madhhab. Analogy with the matter of iqtidā’ (following an imām in Salāh) is invalid, as there is no alternative to following in iqtidā’, as distinguished from acting on the madhhabs, because it is possible for him to restrict himself to a madhhab and follow it in [all] its rulings. As for practising the madhhab of al-Shāfi’ī (Allāh have mercy on him) in one Salāh and the madhhab of the Hanafīs in another Salāh, this is an improper way, and leads to contradiction, and has no precedent in the religion.

“Its explanation is that the rulings of one madhhab are matching with each other. I mean that there is a sequence and connection between them in the mind of the mujtahid. Thus, if these rulings are mixed-up, so at one time one acts on this and at another time on this, it will lead to contradiction, even if it does not appear to the apparent mind, because they may be built on different principles which contradict one another. So if he acts on all those rulings, he will be entangled in a contradiction without realising it, because even if those rulings are not self-contradictory, the principles on which those rulings are based are contradictory, so the contradiction is not visible between those rulings to the apparent mind, although it is verifiable with deeper thought.” (Fayd al-Bārī, 1:459 ; also quoted by Shaykh ‘Abd al-Fattāh Abū Ghuddah in Tarājim Sittah min Fuqahā’ al-‘Ālam al-Islāmī, Maktab al-Matbū‘āt al-Islāmiyyah, p. 73)

Addenda

Islāmic Law vs. Secular Law

A common argument often produced against Islāmic law, particularly a reading of it in the manner described above, is that it is inherently a non-intellectual process that stagnated following the era of dynamic ijtihād in the first three or four centuries. Hence, it is argued, Islāmic law cannot be regarded as an asset to human civilisation and thinking, but as a formalistic – and rigid – code of laws that is unable to withstand challenges or undergo developments or adaptations to context and time. In contrast with this, it is claimed western secular law is an intellectual enterprise that may be manoeuvred through the myriad situations and specific legal cases it has to deal with in a rigorous, dynamic and fulfilling manner.

Is this argument, and this contrast between Islāmic and secular law, justified?

A close analysis of the history of Islāmic law reveals that, contrary to what is premised in this argument, taqlīd is not a stage of intellectual stagnation. In fact, taqlīd represents a higher and more developed stage of Islāmic legal thinking. The ijtihād that was a widespread activity in the first few centuries of Islām represents a great number of different ways of interpreting the original sources of Sharī'ah – that is, the Qur'ān, Sunnah, consensus, analogy and inherited practice of the earliest generations. It is because of the successes realised by the early mujtahids in this formative period that taqlīd became the overriding legal paradigm following the third or fourth century. To introduce ijtihād at this later stage would be to “reinvent the wheel” so to speak. In secular terms, taqlīd entails fitting new legal cases into existing “precedents”. These authoritative precedents that have their roots in the Islāmic legal texts were fully codified in law schools established in the early centuries by the famous mujtahids credited with having founded them.

Contrary to the suggestion in the abovementioned argument, taqlīd does not mean intellectual stagnation or immutability and rigidity. Taqlīd did not stop the process of legal thought. Taqlīd, in fact, entailed integrating the vast set of legal rulings handed down from the early mujtahids into unified schools of law. Many processes are incorporated into this stage of development, including making further divisions to existing laws (tafrīʿ), delineating exceptions to them, finding the legal causes (ʿilal) that they are premised on and so on. On this basis, taqlīd is not rigid and immutable. As it seeks to find the bases of legal rulings, this naturally entails that if there is any change to the underlying premises of any individual ruling, that would impact on the ruling itself. Based on this principle, taqlīd is adaptable and malleable to context and time.

One of the most obvious indications that taqlīd is not stagnant and formalistic is the hierarchy of Islāmic lawyers (tabaqāt al-fuqahāʾ) as discussed in books of Islāmic legal theory, like Nawawī's introduction to Sharh al-Muhadhdhab and Ibn ʿĀbidīn's Sharh ʿUqūd Rasm al-Muftī. The reason for the hierarchy – which remains till today – is precisely because not everyone is qualified to interpret the law, even as set in the Islāmic law schools (madhhabs). Only one who has gained an understanding of how a law school operates, and which rulings are immutable and which are context-specific, can he correctly issue a legal verdict. Underscoring this principle, Ibn ʿĀbidīn emphatically states (merely two centuries ago):

جمود المفتي أو القاضي على ظاهر المنقول، مع ترك العرف والقرائن الواضحة، والجهل بأحوال الناس يلزم منه
تضييع حقوق كثيرة وظلم خلق كثير

“A jurisconsult's rigidity on the outward of what has been passed down [i.e. the legal precedents established by the early mujtahids], while simultaneously disregarding the context and obvious [external] indicators, and displaying ignorance of the situations of people,

entails squandering many rights and oppressing multitudes.” (Sharh ‘Uqūd Rasm al-Muftī, Maktab al-Bushrā, p. 81)

Much more can be said on this topic, and indeed much has been written on it already. One contemporary western historian of Islāmic law, Sherman Jackson, has published his thoughts on this positive outlook on taqlīd, which directly counters earlier orientalist criticism of the Islāmic legal tradition as stagnant and formalistic. See his: “Taqlīd: Legal Scaffolding and the Scope of Legal Injunctions in Post-Formative Theory” in the Journal of Islamic Law and Society, Vol. 3, No. 2.

Talfiq:

While a number of scholars have transmitted consensus on the invalidity of talfiq, one will be hard-pressed to find any clear delineation between what kinds of talfiq, if any, fall outside the scope of what has been regarded as unacceptable by consensus. However, from the examples that are offered and the reasoning that is presented, it is clear the talfiq in question is in regards to masā’il that are closely interlinked, like talfiq within the masā’il of wudū’ and salāh, or within the masā’il of marriage. If they come from different areas of practice, however, like talfiq between a mas’alah from salāh and another mas’alah from hajj, it would appear that the talfiq in question would not arise.

‘Allāmah Qāsim ibn Qutlūbughā (802 – 879 H) in his al-Tashīh wa l-Tarjīh quotes Taqī al-Dīn al-Subkī (683 – 756) as saying: “Taqlīd in something that is made up of two different ijtihāds is invalid by consensus.” Then ‘Allāmah Qāsim presents the example of a person who wiped a part of his head for wudū’, making taqlīd of Imām al-Shāfi‘ī, but then offered salāh with the impurity of a dog, making taqlīd of Imām Mālik. The result is an action that is invalid according to both schools. (al-Tashīh wa l-Tarjīh, Dār al-Kutub al-‘Ilmiyyah, p. 123). The example of talfiq here as elsewhere illustrates that talfiq

is restricted to issues that are closely interconnected. Muftī Muhammad Taqī ‘Uthmānī quotes ‘Allāmah Ashraf ‘Alī Thānawī stating this explicitly:

“Talfīq is not permissible in one action which violates consensus. But when it is two different actions, talfiq (mixing) is valid, even if it necessitates violation of consensus outwardly...” (al-Hīlat al-Nājizah li l-Halilat al-‘Ājizah, p. 15; quoted in Usūl al-Iftā’ wa Ādābuhū, pp. 215-6)

It should be noted that although talfīq in two different nonrelated areas will not be regarded as invalid – hence, the actions will be deemed valid –, this does not mean that talfīq in this sense is permissible when there is no dire need (darūrah). On the contrary, since the obligation in this period is to adhere strictly to a single madhhab, and not shift on individual issues (as stated by major jurists belonging to all four madhhabs), to do so will be impermissible.

“Non-mujtahids” in this context refers to those who have not reached the level of “ijtihād” in all its forms, whether absolute ijtihād or restricted ijtihād, though they may be learned scholars. Tāj al-Dīn ‘Abd al-Wahhāb al-Subkī (727 – 771 H) said: “Taqlīd is to adopt a view without [detailed] knowledge of its evidence, and it is binding on the non-mujtahid.” (Jam’ al-Jawāmi’, Dār al-Kutub al-‘Ilmiyyah, p. 121) Al-Sayf Al-Āmidī (551 – 631 H) said: “It is binding on the layperson and the one who does not have the qualification of ijti-hād – even though he has acquired some sciences that are taken into consideration for ijti-hād – to follow the view of the mujtahids and to accept their fatwas according to the verifiers from the Usūlis.” (Al-Ihkām fī Usūl al-Ahkām, Dār al-Samī‘ī, 4:278)

As explicitly stated by Qādī ‘Iyād in the passage from him quoted below.

Literally meaning “to join together”, *talfīq* is to make *taqlīd* of two or more *Imāms* in one issue in such a way that the resultant action is regarded as invalid by all the *Imāms* whose *taqlīd* was made.

‘Allāmah Qāsim ibn Qutlūbughā (d. 879 H) said: “The ruling produced from *talfīq* is invalid by the consensus of the Muslims.” (Al-Tashīh wa l-Tarjīh ‘alā Mukhtasar al-Qudūrī, Dār al-Kutub al-‘Ilmiyyah, pp. 122-3)

Marginal and fringe opinions which were rejected and condemned by the overwhelming majority of ‘*ulamā*’. Examples include the permissibility of *mut’ah* marriage, the permissibility of selling one silver coin for two on spot and the permissibility of musical instruments.

It is reported from *Imām al-Awzā’ī* (d. 157 H) that he said: “The one who selects the rareties of the ‘*ulamā*’ exits *Islām*.” (Usūl al-Iftā’ wa Adābuh, Makataba Ma’ārif al-Qur’ān, p. 206)

The scholars of *Usūl* discuss a particular situation known as ‘*adam al qawl bi ‘l-fasl*’ (the nonexistence of an opinion of distinction). If there are two issues, ‘A’ and ‘B’, and a group of scholars took opinion ‘X’ in both A and B and a second group took opinion ‘Y’ in both A and B, but there is no scholar who held the opinion of X in one and Y in the other, this is known as “*adam al qawl bi ‘l-fasl*”. Now, would it be permissible for a later scholar to adopt an opinion which makes a “distinction” between the two, i.e. opinion X in one and opinion Y in the other? The answer given by the author of *Usūl al-Shāshī* is that if the ruling given on B by both groups is based on the same principle on which their opinions on A was based, then it is not permissible, as to do so would be to adopt two contradictory principles. (Usūl al-Shāshī, Dār al-Gharb al-Islāmī, pp. 213-4)

Imām Ahmad al-Wanshirīsī al-Mālikī (d. 914 H) said: “What is understood from the force of the speech of these imāms – may the pleasure of Allāh be upon them – is that that which is prohibited is seeking out the easiest opinions of all the madhhabs, not a single madhhab. The verification is that there is no [apparent] distinction, but that which they made the reason for the prohibition, in that it will lead to relinquishing [religious] responsibility in every issue that is differed upon, only becomes completely apparent in the first [i.e. seeking out the easiest opinions of all the madhhabs] not the second [i.e. seeking out the easiest opinions within a madhhab]; because a matter is often prohibited in one madhhab by agreement and permissible in another by agreement or disagreement, so if we permitted seeking out dispensations from [all] the madhhabs it will lead to what they said, because what the madhhabs [all] agree upon is few. Seeking out the easiest opinions of one madhhab is not so, as it has fewer negative repercussions than the first.” (Al-Mi’yār al-Mu’rib, 12:32)

Ibn al-Munayyir al-Mālikī of the seventh century mentioned this point. See his quote below under the section, “The Layperson has no Madhhab”?

It is mentioned in *Sahīh al-Bukhārī*, for example, that the people of Madinah would follow exclusively the verdicts of Zayd ibn Thābit.

“Mujtahid imāms” refer to both “mujtahids in the madhhab” (mujtahid fi l-madhhab) who are capable of deriving new rulings based on the principles and precedents from the madhhab, and “mujtahids of fatwa” (mujtahid fi l-futyā) who have the ability to assess the stronger opinions of the madhhab.

Allāmah Ibn ‘Ābidīn proves this principle of the madhhab in his *Sharh ‘Uqūd Rasm al-Muftī* (Maktabat al-Buhsrā, pp. 52-3), quoting from al-Hāwī al-Qudsī and *Fatāwā QādīKhān*.

Kafawī said, “The leadership of the Hanafis culminated at him.” (al-Fawā'id al-Bahiyyah, Dār al-Ma'rifah, p. 164-6)

الحق لو كان حقوقاً لساغ للمقلد تقليد هذا المجتهد مرة وتقليد الآخر مرة، فكان هذا بناء الدين على الهوى، وهذا قبيح.. ومن قال الحق واحد أكرم العامي أن يتبع إماماً واحداً وقع عنده بديل النظر أنه أعلم، ولا يخالفه في شيء يهوى نفسه (تقويم أصول الفقه، دار التعمان للعلوم، ج ٢، ص ٨٦٨)

He was described as one of the senior 'Irāqī jurists and authors of Wāqī'āt and Nawāzil (al-Fawā'id al-Bahiyyah, p. 36)

وقال أبو العباس النافعي: هذا إذا كان للمستفتي على مذهب أهل العراق أفتى عام بقول أبي حنيفة رحمه الله وأفتى عام بقول أبي يوسف وأفتى علم بقول محمد أو بقول زفر، فليس له أن يأخذ بقول الشافعي ولا يقول مالك (معين الحكام فيما يتردد بين الخصمين من الأحكام للطرابلسي، دار الفكر، ص ٧٢)

Al-Kafawī said: “He was amongst the mujtahids of his era.” (Fawā'id Bahiyya, p. 263) He was a student of Imām Burhān al-Dīn Marghīnānī, the author of al-Hidāyah, and is the author of Jāmi' Ahkām al-Sighār amongst other works.

وجاز للرجل والمرأة أن ينتقل من مذهب الشافعي إلى مذهب الحنفي وكذا على العكس ولكن بالكلية، أما في مسألة واحدة فلا يمكن، حتى لو خرج دم من حنفي للمذهب وسال لا يجوز له أن يصلي قبل أن يتوضأ اقتداء بمذهب الشافعي في هذه المسألة فإن صلى قبل أن يتوضأ يصفق، وقال بعضهم: ليس للعامي أن يتحول من مذهب إلى مذهب حنفيًا كان أو شفعويًا، وقال بعضهم: من انتقل إلى مذهب الشافعي رحمه الله ليؤوجه ولي البكر البالغة يغير رضاها يخاف عليه أن يسلب إعلانه وقت موته لإهانتها بالدين لجيفة قدرة (كتاب الكرامة للأسروشي، مخطوط، ص ١/٩)

He was mufti of Sijistān, a learned Imām with extensive knowledge of both fundamentals and peripherals (al-Fawā'id al-Bahiyyah, p. 201)

العباد مأمورون بالعمل بدلائل الشرع.. أما في حق عامة المسلمين فلا يكون في وسع كل أحد أن يرجع الدلائل ويجهل لكن ينبغي أن يرجع إماماً يرى ويكون متبعاً له، فإذا تأمل ورجع إماماً على إمام ورأى أن طريقه الحق والصواب يظل عنده قول الباقي، فلا يجوز العمل بمذهبهم كالمجتهد إذا صرح عنده دليل لا يعمل بالباقي، وإما كان كذلك لأن الناس كلهم مأمورون بالعمل بأمر الله، غير أن العلماء مأمورون بالدلائل والنظائر وترجيح أحد الدلائل والعلوم مأمورون بترجيح العلماء إذ ليس في وسعهم غير ذلك، ليكون الكل ممثلين لأمر الله تعالى (جواهر الفتاوى، مخطوط، ص ٧١٣/ب-١/٨١٣)

قال فخر الدين ما سئل عن التعصب في المذهب، قال: الصلاة في المذهب واجب والتعصب لا يجوز، والصلاة أن يعمل بما هو مذهبه ويراه حقاً وصواباً والتعصب السفاهة والجفاء في صاحب المذهب الآخر وما يرجع إلى نقضه ولا يجوز ذلك فإن أئمة المسلمين كانوا في طلب الحق وهم على الصواب (جواهر الفتاوى، ص ٩٠٣/ب)

He studied fiqh under Abū Ja'far al-Astrūshanī, and was one of the brilliant Hanafi scholars from Transoxiana. (al-Fawā'id al-Bahiyyah, p. 109)

ومن جعل الحق حقوقاً أثبت الخيار للعامي يهوى نفسه. ومن قال الحق في واحد أكرم العامي أن يتبع إماماً واحداً وقع عنده بديل النظر أنه أعلم ولا يخالفه في شيء يهوى نفسه (تقويم الأدلة، دار الكتب العلمية، ص ١٤٠)

عامي حنفي المذهب اقتصد ولم يعد الطهارة اقتداء بالشافعي في حق هذا الحكم لا يسوغ له ذلك (الفتية للزاهدي، مخطوط، ص ١/٣٩)

Author of al-Hidāyah, an Imām, hāfiz of hadith and exegete, with innumerable virtues. He was an unmatched authority in the Hanafī madhhab. He studied under Najm al-Dīn ‘Umar al-Nasafī, al-Sadr al-Shahīd and others. (al-Fawā'id al-Bahīyyah, p. 141)

رجل علق الطلاق بالتزويج ثم تزوج امرأة فاستفتى من شفعوي للمذهب فأفتى على مذهبه أن لا يقع الطلاق لا يكون حجة في حقه (مختارات النوازل، مخطوط، ص ٦١٣ ب)
وَالْعَالِيَةُ أَنَّ مَثَلَ هَذِهِ الرِّمَامَاتِ مِنْهُنَّ كَيْفَ النَّاسِ عَنْ تَتَبُّعِ الرَّغْصِ وَالْأَخَذِ الْعَامِّيِّ فِي كُلِّ مَسْأَلَةٍ يَقُولُ مُجْتَهِدٌ قَوْلُهُ أَحَقُّ عَلَيْهِ (فتح القدير، دار الكتب العلمية، ج ٨ ص ٩٣٣)

قال سليمان التيمي: لو أخذت برخصة كل عالم اجتمع فيك الشر كله؛ قال ابن عبد البر معقبا: هذا إجماع لا أعلم فيه خلافا (زجر السفهاء عن تتبع رخص الفقهاء، دار البشائر الإسلامية، ص ٥٠)

ابن حزم وأبو عمر قد حكيا الإجماع ومستنده النقل، وعز الدين لم يبين مستندا فيحتمل أن يكون رأيا رآه كفرد به، أو لازم قول وهو الظاهر من قوة كلامه، وأيا ما كان فهو إحداث قول بعد تقدم الإجماع فيكون باطلا لتضمنه تخطئة الأمة، وتخطئتها ممنوع على ما تقرر في أصول الفقه (المعيار المغرب، ج ٢٦ ص ١١٣)

He was the shaykh of the Shāfi'is in his time. Abu Sa'd al-Sam'ānī said: "Abu l-Ma'ālī was the absolute imām of imāms, with consensus in the east and the west on his imāmah. Eyes have not seen the like of him." (Siyar A'lām al-Nubalā, Mu'assat al-Risālah, 18:469)

فإن قيل: فهل يجوز للعامي أن يتحمل في بعض المسائل مذهب الشافعي وفي بعضها مذهب أبي حنيفة، وكذا مذهب عامة الأمة على هذا المنهاج؟ فإن قلتم: يجوز ذلك فلا يجب على أحد اتباع صاحب مذهب بعينه فلا حاجة حينئذ إلى وضع هذا الكتاب لأنه لا أرب له إلى معرفة الأحق وتباعد الحق والصدق، بل يفعل ما يشاء على مذهب من يهواه ويتمناه.

والجواب: قلنا لا يجوز للعامي ما قلتموه، بل يجب عليه حتما أن يعين مذهبا من هذه المذاهب إما مذهب الشافعي رضي الله عنه في جميع الوقائع والفروع، وإما مذهب مالك أو مذهب أبي حنيفة أو غيرهم رضوان الله عليهم، وليس له أن يتحمل مذهب الشافعي في بعض ما يهواه ومذهب أبي حنيفة في باقي ما يرضاه، لأننا لو جوزه لأدى ذلك إلى الخبط والفرج عن الضبط، وحاصله يرجع إلى نفي التكليف ولا يستقر للتكليف عليه فائدة، إذ إن مذهب الشافعي إذا اقتضى تحريم شيء بعينه أو على عكسه فهو إن شاء ما إلى الحل وإن شاء مال إلى الحرمة فلا يتحقق الحل ولا التحريم، وفي هذا انعدام التكليف وإبطال فائدته واستئصال قاعدته وذلك باطل.

فإن قيل: اليس في عهد الصحابة كل واحد من الناس مخيرا بين أن يأخذ في بعض الوقائع بمذهب الصديق وفي البعض بمذهب الفاروق، وكذا في حق عامة الصحابة في كافة الوقائع ولم يمنعه عن ذلك؟ فإذا جازت هذه فيما بين الصحابة، فلم لا يجوز في زماننا؟

والجواب: قلنا إما ذلك كان كذلك لأن أصول الصحابة لم تكن كافية لعامة الوقائع شاملة لكافة المسائل مستغرقة لجميع التفاريع، مستوفية تلك التفاصيل، لأنهم أسسوا الأساس، وأصلوا الأصول، ومهدوا القواعد، ولم يتفرغوا إلى تفرع التفاريع، وتفصيل التفاصيل، فمذهب أبي بكر رضي الله عنه لم تكن كافية لجميع الوقائع، وكذلك مذهب عامة الصحابة فلاجل الضرورة أبحث المقلدين متبعة الصديق في بعض الوقائع، وفيما لم يجد على أصله متبعة الفاروق، وأما في زماننا هذا مذهب الأمة كافة مستغقة للكل، فإنه ما من واقعة تقع إلا وتجدها في مذهب الشافعي أو في مذهب غيره إما نصا وإما تخريجا، فلا ضرورة إلى اتباع الإمامين جميعا، فلا يجوز له أن ينقض تقليده إذ لا يستقر للتكليف فائدة (مغيث الخلق، المطبعة المصرية، ص ٣١-٦١)

He was the shaykh of the Shāfi'is, a teacher of the Nizāmiyyah and one of the prime students of Imām al-Juwaynī. (Tabaqāt al-Shāfi'iyyah al-Kubrā, 7:231)

وإن لم يكن منتسبا بني على وجهين حكاهما ابن بريهان في أن العامي: هل يلزمه أن يتمذهب بمذهب معين، يأخذ برخصه وعزائمه... والثاني: يلزمه وبه قطع أبو

الحسن إلکيا، وهو جار في كل من لم يبلغ رتبة الاجتهاد من الفقهاء وأصحاب سائر العلوم، ووجهه أنه لو جاز اتباع أي مذهب شاء لأفضى إلى أن يلتقط رخص المذاهب متبعا هواء، ويتغير بين التحليل والتحرير والوجوب والحوار وذلك يؤدي إلى انحلال ريقة التكليف بخلاف المذاهب الوافية بأحكام الحوادث مهذبة وعرفت، فعلى هذا يلزم أن يجتهد في اختيار مذهب يقلده على التعيين، ونحن عهد له طريقا يسلكه في اجتهداه سهلا، فنقول: أولا ليس له أن يتبع في ذلك مجرد التشهي والليل إلى ما وجد عليه أباه، وليس له التمهيد بمذهب أحد من أئمة الصلابة رضي الله عنهم وغيرهم من الأولين، وإن كانوا أعلم وأعلى درجة ممن بعدهم، لأنهم لم يتفرغوا لتدوين العلم وضبط أصوله وفروعه، فليس لأحد منهم مذهب مذهب محرر مقرر، وإنما قام بذلك من جاء بعدهم من الأئمة الناطقين لمذاهب الصابة والتابعين القاطنين بتمهيد أحكام الواقع قبل وقوعها، الناضحين بإيضاح أصولها وفروعها كمالك وأبي حنيفة وأبي حنيفة (المجموع شرح المذهب، مكتبة الإرشاد، ج ١، ص ٣٩)

He was the leading student of al-Juwaynī and a major authority in fiqh, usūl and other sciences, famed throughout the Muslim world in both scholarly and non-scholarly circles.

الشرط الرابع أن يكون كونه منكرًا معلوماً بغير اجتهاد، فكل ما هي في محل الاجتهاد فلا حصة فيه. فليس للحنفي أن ينكر على الشافعي أكل الضب والضب وموتروك التسمية ولا للشافعي أن ينكر على الحنفي شره النبيذ الذي ليس بمسكر وتناول له ميراث ذوي الأرحام وجلسه في دار أخذها بشقعة الجوار إلى غير ذلك من مجاري الاجتهاد. نعم لو رأى الشافعي شافعيًا يشرب النبيذ وينكح بلا ولي ويضأ زوجته فهذا في محل النظر والأظهر أن له الحصة والإذكار إذ لم يذهب أحد من المحصلين إلى أن للمجتهد يجوز له أن يعمل بموجب اجتهاد غيره ولا أن الذي أدى اجتهاده في التقليد إلى شخص، رآه أفضل العلماء أن له أن يأخذ بمذهب غيره فينتقي من المذاهب أطيبها عنده، بل على كل مقلد اتباع مقلده في كل تفصيل، لأن مخالفته للمقلد متفق على كونه منكرًا بين المحصلين وهو عاص بالمخالفة (إحياء علوم الدين، كرياتيه نوثر، ج ٢، ص ١٢٣)

ورأي من يرى أنه يجوز لكل مقلد أن يختار من المذاهب ما أراد غير معتد به ولعله لا يصح نخاب ذاهب إليه أصلاً، فهذا مذهب لا يثبت وإن ثبت لا يعتد به (إحياء علوم الدين، ج ٢، ص ٢٢٣)

لا يجوز لمقلد العالم اختيار أطيب المذاهب عنده وأوفقها لطبعه، وعليه تقليد إمامه الذي اعتقد صحة مذهبه وصوابه على غيره، ويتبعه في كل ما ورد وصدر، فلا يجوز عدول المالكي بمذهب الشافعي إلا أن يغلب على ظنه أنه أصوب رأياً فحينئذ يجب تقليده في جميع المسائل، وإن لم يكن ذلك فلا داعي له في المخالفة إلا الهوى، كما لا يجوز لمجتهد مخالفة ما أنتجه اجتهاده، وكذا للمقلد لمن قلده. ولا فرق إلا طلب للمقلد أفضل الآفة، والمجتهد أفضل الرأيين، ويجب على كل مسلم اتباع ما يغلب على ظنه أنه الحق في المتعبدات. وحال المقلد يحصل بتصويب ما عليه إمامه الذي غلب على ظنه صحة قوله، كما يحصل معرفة أفضل الأطباء في البلدان من كان جامعاً به. وهذا إما بالسماع من الأئمة، أو مشاهدة لأكثرين إلى شخص معين، أو سماعه من شخصين أو شخص ظنه واطمأن قلبه إليه، كما يسمع من أيوبه فضل مالك والشافعي، فيصدق به ويطن إليه قلبه، فلا يجوز مخالفة ظنه، ولو قال ظني في غير هذه النازلة خطأ من قلده ليس هذا من حق المقلدين، واجتهاده في أعيان المسائل خطأ وكأنه في ظنه عرف من غير هذه المسألة ما لا يعرفه مقلده، فهو جهل. وأما اتباع الشافعي في مسألة خالف فيها صحابياً فيجب أن يظن بالشافعي أنه لم يخالفه إلا لدليل أقوى من مذهب الصحابي، ولو لم يظن هذا لنسب الشافعي إلى الجهل بمقام الصحابي، وهو محال. وهذا سبب ترجيح مذهب المتأخرين على المتقدمين، مع العلم بفضل علمهم عليهم، لكون المتقدمين سمعوا الأحاديث أحاداً، وتفرقوا في البلاد، فاختلقت فتاويهم وأقنعتهم في البلاد، ورعا بلغتهم الأحاديث ووقفوا عدا أقوا به أو حكموا، ولم يتفرقوا في العصر الأول لجميع الأحاديث؛ لاشتغالهم بالجهاد وتجهيد الدين، فلما انتهى الناس إلى تلقي التبعين وجدوا الإسلام مستقراً مهيئاً، فصرفوا همهم إلى جمع الأحاديث من أفضى البلاد وأقطارها، بالرحلة والأسفار فالمتأخرون نظروا بعد الإحاطة بجميع موارد الأحكام، ولم يخالفوا ما أفضى به أولئك إلا لدليل بلغهم أقوى منه (المعيار المعري، ج ١١، ص ٤٦١-٥٠)

A senior Shāfi'ī scholar who studied under both Ilkiyā al-Harrāsī and al-Ghazālī.

قلو التزم مذهبه معينا كمالك والشافعي واعتقد رجحانه من حيث الإجماله، فهل يجوز أن يخالف إمامه في بعض المسائل ويأخذ بقول غيره من مجتهد آخر؟ فيه مذاهب: أحدها المنع وبه جزم الجيلي في الإعجاز، لأن قول كل إمام مستقل بأحد الواقع، فلا ضرورة إلى الانتقال إلا التشهي، ولما فيه من اتباع التعرض والتلاعب بالدين. (البحر المحيط دار الصفوة، ج ٦، ص ٢٣)

وهذا الدليل يقتضي أن يجب على العامي أن ينتحل مذهبه معينا ابتداء (نهلية الوصول المكتبة التجارية، ص ٢٩٣)

He was the greatest Shāfi'ī jurist of his time. (Siyar A'lām al-Nubalā', 17:406)

قال الشيخ: ينظر: إن كان منتسباً إلى مذهب ينيأه على وجهين حكاهما القاضي حسين في أن العامي هل له مذهب أم لا... والثاني وهو الأصح عند القفال: له مذهب فلا يجوز مخالفته (لمجموع شرح المهذب، ص ٣٩)

لأنه اعتقد أن المذهب الذي انتسب إليه هو الحق ورجه على غير فعلية الوفاء بموجب اعتقاده ذلك، فإن كان شافعياً لم يكن له أن يستفتي حنفياً ولا يخالف إمامه (آداب المفتي والمستفتي، دار المعرفة، ص ٧٨)

وهل يجوز للعامي أن يتغير ويقبل أي مذهب شاء نظر إن كان منتسباً إلى مذهب بني علي وجهين حكاهما القاضي حسين في أن العامي هل له مذهب أم لا أحدهما لأن المذهب لعارف الأدلة فعل هذا له أن يستفتي من شاء وأصحهما عند القفال له مذهب فلا يجوز مخالفته وإن لم يكن منتسباً إلى علي وجهين حكاهما ابن بريهان يفتح الباب من أصابعنا في أن العامي هل يلزمه التقيد بمذهب معين أحدهما لا فعل هذا هل له أن يقلد من شاء أم يبحث عن أحد المذاهب فيقلد أهله وجهان كاليتم عن الأعلام والثاني منه قطع أبو الحسن الإكيا يلزمه وهو جار في كل من يبلغ رتبة الاجتهاد من الفقهاء وأصحاب سائر العلوم فلا ينلخص لخاصة المذاهب بخلاف العصر الأول ولم تكن مذاهب مدونة فيلتقط رخصها فعلى هذا يلزمه أن يختار مذهباً يقلده في كل شيء وليس له التمهيد بمجرد التشبه ولا بما وجد عليه أبده هذا كلام الأصحاب والذي يقتضيه الدليل أنه لا يلزمه التمهيد بمذهب بل يستفتي من شاء أو من اتفق لكن من غير تلتقط للرخص ولعل من منعه مما يقي بعدم تلتقطه (روضة الطالبين، دار علم الكتب، ج ٨، ص ١٠١)

One of the leading scholars of his time, author of the renowned and indispensable work, al-Shifā', commentator of Sahīh Muslim, and, like al-Ghazālī, in need of no introduction.

اعلموا وفقها الله تعالى وإياكم أن حكم للتعبد بأوامر الله تعالى ونواهيه المتشرع شرعية نبيه عليه السلام طلب معرفة ذلك وما يتعد به، وما يأتيه ويذره، ويحب عليه ويحرم، ويباح له ويرغب فيه من كتاب الله تعالى وسنة نبيه عليه السلام، فهما الأصلان اللذان لا تعرف الشريعة إلا من قبلهما ولا يعدل الله تعالى إلا يعلمهما ثم إجماع المسلمين مرتب عليهما ومسند إليهما فلا يصح أن يوجد وينعقد إلا عنهما، إما من نص عرفوه ثم تركوا نقله، ومن اجتهاد مبني عليهما على القول بصحة الإجماع من طريق الاجتهاد، وهذا كله لا يتم إلا بعد تحقيق العلم بذلك الطريق والآلات الموصلة إليه من نقل ونظر وطلب فيه وجمع وحفظ وعلم وما صرح من السنن واشتهر، ومعرفة كيف يتفهم وما به يتفهم من علم ظواهر الألفاظ وهو علم العربية واللغة وعلم معانيها وعلم موارد الشرع ومقاصده ونص الكلام وظاهره وفحواه وسائر نواحيه وهو للرجع عنه يعلم أصول الفقه وأكثره يتعلق بعلم العربية ومقاصد الكلام والخطاب، ثم بأخذ قياس ما لم ينص عليه على ما نص بالتبيين على علته أو شبيهها له. وهذا كله يحتاج إلى مهلة والتعبد لائق لمعينه، ثم إن الواصل إلى هذا الطريق وهو طريق الاجتهاد والحكم به في الشرع قليل وأقل من القليل يعد الصدر الأول والسلف الصالح والقرون للمصنعة الثلاثة وإذا كان هذا فلا بد لمن لا يبلغ هذه المنزلة من للمكلفين أن يتلقى ما تعبد به وكلف به من وظائف شريعته ممن ينقله له ويعرفه به ويثبت عليه في نقله وعلمه وسكبه وهو التقليد ودرجة عوام الناس بل أكثرهم هذا، وإذا كان هذا فالواجب تقليد العالم لمولود بذلك، فإذا كثرت العلماء والأعلام وهذا عظم الملقن من الاجتهاد لدينه ولا يترك للمقلد الأعلام ويعبد إلى غيره وإن كان يشتغل بالعلم فيسأل حينئذ عما لا يعلم حتى يعلمه. قال الله تعالى: (فأسألوهم أهل الذكر إن كنتم لا تعلمون) وأمر النبي صلى الله عليه وسلم بالإفتاء بالخلفاء بعده وأصحابه، وقد بعث النبي صلى الله عليه وسلم أصحابه في الناس ليفقههم في الدين، وليتدبروا قلوبهم إذا رجعوا إليهم وإذا كان هذا الأمر لازماً لا بد منه فكان أول من قلده العامي الجاهل، كوليالميتي^١ والمتعد والطلاب المتشرد والمتفقه في دين الله تعالى وأحق ذلك فقهاء أصحاب رسول الله صلى الله عليه وسلم الذين أخذوا عنه العلم وعلموا أسباب نزول الأوامر والنواهي ووظائف الشرائع ومخارج كلامه عليه السلام. وشاعروا فرائد ذلك وثاقفوا في أكثرها النبي عليه السلام واستفسروا عنها مع ما كانوا عليه من سعة العلم ومعرفة معاني الكلام وتنوير القلوب وإشراق الصدور، فكانوا أعلم الأمة بما مرية وأولاهم بالتقليد لكنهم لم يتكلموا من النوازل إلا في اليسير مما وقع، ولا تفرغت عنهم المسائل ولا تكلموا من الشرع إلا في قواعد ووقائع، وكان أكثر اشتغالهم بالعمل مما علموا والذب عن حوزة الدين وتوكيد شريعة المسلمين ثم بينهم من الاعتلاف في بعض ما تكلموا فيه ما يبقى المقلد في حيرة ويحوج إلى نظر وتوقف، وإنما جاء التفريق للتنجيز وبسط الكلام فيما يتوقف وفرعه بعدهم، فجاء التليجون فظنوا في اغتلافهم وبنوا على أصولهم ثم جاء من بعدهم العلماء من أتباع التليجون، والوقائع قد كثرت والنوازل قد حدثت، والفتاوى في ذلك قد تشعبت فجمعوا أقوالهم الجميع وحفظوا فقههم وصحوا عن اغتلافهم واتقوا فقههم وهدروا انتشار الأمر وغربوا الخلاف عن الضبط واجتهدوا في جمع السنن وضبط الأصول وسألوها فأجابوا وبنوا القواعد وبنوا الأصول وفرعوا عليها النوازل ووضعوا في ذلك للناس التصنيفات وبنووها، وعمل كل واحد منهم بحسب ما فتح عليه ووفق له، فانتهى إليهم علم الأصول والفروع والاختلاف والافتراق والاسا على ما بلغهم ما يذل عليه ويشبهه، رضي الله عن جميعهم ووفاهم أجر اجتهادهم فالتفت على المقلد العامي وطالب العلم المبتدئ أن يرجع في التقليد لؤلؤة لنصوص نوازل والرجوع فيما أشكل من ذلك إليهم، ولتستغرق علم الشريعة وتدورها عليهم وأحكامهم النظر في مذاهب من تقدمهم وكفائهم ذلك لمن جاء بعدهم، لكن تقليد جميعهم لا يتحقق في أكثر النوازل وجمهور المسائل لاختلافهم باختلاف الأصول التي بنوا عليها ولا يصلح أن، يقلد الملقن من شاء منهم على الشهوة والبحث أو على ما وجه عليه أهل ظنهم وإله، وحظه هنا من الاجتهاد النظر في أعلمهم ويعرف الأول بالتقليد من جملتهم حتى يركن العامي في أعماله إلى هؤلاء ويستجهد في تعبداته على ما رآه وينصب العامي الأعلام من ملتزمي مذاهب هؤلاء منصبه، ولا يحل له أن يعدو في استفتاءه ما لا يرى مذهبه، فقد قال بعض المشائخ: إن الإمام لمن التزم تقليد مذهبه كالنبي عليه السلام مع أمته، ولا يحل له مخالفته. وهذا صحيح في الاختيار مما بسطناه وطرطناه يظهر صوابه لأولي البصائر والأبصار وكذلك يلزم هذا طالب العلم في بدايته في درس ما أصله الأعلام من هؤلاء وفرعه وحفظ ما ألفه وجمعه والامتداد بنظره في ذلك والميل حيث مال معه إذ لو ابتدأ الطالب في كل مسألة فطلب الوفاق على الحق منها بطريق الاجتهاد عسر عليه ذلك إذ لا يتحقق له إلا بعد جمع غصاله وقائمه كماله، وإذا كان بهذا السبيل استغنى عن تقليد أرباب المذاهب وكان من المجتهدين لنفسه فسيبيل أنه يقلد من يعرفه أن، هذا هو الحق، حتى إذا أدرك من العلم ما أفيض له فبش من قسم الله تعالى له وأفلح وكان فيه عمل للنظر والاجتهاد تتصل إلى ذلك وأدركه، فإذا تقررت هذه المقدمة فنقول: قد وقع إجماع المسلمين في أقطار الأرض على تقليد هذا

النمط واتباعهم ودرس مذهبهم دون من قبلهم ومع الاعتراف بفضل من قبلهم وسبقه ومزيد علمه، لكن للعلل التي ذكرنا وكفاية ما نحلوه وانتقوه من ذلك كما قدمنا. وصار الناس اليوم في أقطار الدنيا إلى خمسة مذاهب: المالكية وحنفية وشافعية وحنبلية ودوندية وهم المعروفون بالظاهرية، فحق على طالب العلم ومريد تعرف الصواب والحق أن يعرف أولاهم بالتقليد ليعتمد على مذهبه ويسلك في التفقه سبيله (ترتيب المدارك وتقريب المسالك لمشرفة أعلام مذهب مالك، المملكة المغربية، ص ٩٥-٧٦)

A major Mālikī Imām, commentator of Sahīh Muslim, and a teacher of Qādī ‘Iyād. He was a leading Hanbalī authority in his time, his most senior teacher being ‘Abd al-Qādir al-Ruhāwī (536 – 612 H). Ibn Rajab al-Hanbalī said: “Knowledge of the [Hanbalī] madhhab, its subtleties and its obscurities, reached its peak in him.” (al-Dhayl ‘alā Tabaqāt al-Hanābilah, Maktabah al-‘Abikān, 4:267)

وقال في الرعاية الكبرى: يلزم كل مقلد أن يلتزم بمذهب معين في الأشهر، فلا يقلد غير أهله (الإيضاح، ج ١١، ص ٤٩١)

وحكي الراجعي عن أبي الفتح الهروي أحد أصحاب الإمام [الشافعي] أن مذهب عامة أصحابتنا أن العامي لا مذهب له (البحر المحيط، ج ٦، ص ٢٠٣)

One of the outstanding Egyptian scholars, about whom ‘Izz al-Dīn ibn ‘Abd al-Salām said: “The Egyptian lands boasts of two men on its borders: Ibn al-Munayyir in Alexandria and Ibn Daqīq al-‘Id in al-Qaws.” (Editor’s introduction to al-Taysīr al-‘Ajīb fī Tafsīr al-Gharīb, Dār al-Gharb al-Islāmī, p. 17)

وتوسط ابن المنير فقال: الدليل يقتضي التزام مذهب معين بعد الأئمة الأربعة لا قبلهم، والفرق أن الناس كانوا قبل الأئمة الأربعة لم يدونوا مذاهبهم ولا كثرت الوقائع عليهم. حتى عرف مذهب كل واحد منهم في كل الوقائع وفي أكثرها، وكان الذي يستفتى الشافعي مثلاً لا علم له بما يقوله المفتي، لأنه لم يشتهر مذهبه في تلك الواقعة، أو لأنها ما وقعت له قبل ذلك، فلا يتصور أن يعضده إلا سر خاص، وأما بعد أن فهمت للمذاهب ودونت واشتهرت وعرف المرخص من الملتشد في كل واقعة، فلا ينتقل المستفتي والحالة هذه من مذهب إلى مذهب إلا ركونا إلى الانحلال والاستسهال (البحر المحيط، ج ٦، ص ٩١٣-٩٠٢)

وزعم أن العامي لا مذهب له ممنوع بل يلزمه تقليد مذهب معين، وذلك إما كان قبل تدوين المذاهب واستقرارها (تحفة المحتاج بشرح للنهجا، دار الكتب العلمية، ج ١، ص ٧٨٤)

قال عن العلامة أبي بكر بن أبي قاسم الأهدل: وما أفتي به من أن العامي لا مذهب له معين تكاد أن تصح الفتوى به في حق العوام في هذه الأزمنة، وإن كان عن المتأخرين المصحح من أنه يجب عليه التزام مذهب معين، لكن من غير حال العوام في هذا الزمان، سيما أهل البوادي منهم، جزم بأن تكليفهم التزام مذهب معين قريب من المستحيل (مختصر الفوائد للملكية، دار البشائر الإسلامية، ص ٨٤)

ثم لا يذهب عليك أن ابن تيميم في باب قضاء الفوائت، وابن عابدين في مقدمة «رد المحتار» وسعاً سهواً شُيِّرَ، حيث وُسِّها للأئمَّة الذي لا يعلم مذهب أحد أن يستفتي في صلواته الخمس أي عالم من علماء المذاهب الأربعة شاء، ويعمل بما شاء من فتاواه.

أقول: وهذا باطل، فإنَّ حاصله: أن الأئمَّة ليس له مذهب والقياس على مسألة الاقتداء فاسد، فإنَّ الاقتداء لا مناص فيه عن المتابعة، بخلاف العمل بالمذاهب فإنَّ له أن يعقيد مذهب ويتابعه في مسائله. أما العمل بمذهب الشافعي رحمه الله تعالى في صلاة، ومذهب الحنفية في صلاة أخرى، فمسلك غير مستقيم، والتزام للتناقض، ولا نظير له في التَّوَن.

وتحقيقه: أنَّ المسائل من مذهب واحد تكون مُتَّبَعَةً، أعني به أنه تكون بينها سلسلة وإرتباط في ذهن المجتهد فإذا غلط في هذه السلسلة، فيعمل تارة بهذا وأخرى بهذا، يلزم التناقض، وإن لم يُدَّ في بادئ الرأي، لأنها ربما تبني على أصول مختلفة يخالف أحدهما الآخر، فإذا عمل بذلك المسائل كلها ابتلي بالتناقض من حيث لا يدري، فإنَّ تلك المسائل وإن لم تكن متناقضة إلا أن الأصول التي تنفرد عليها تلك المسائل تكون متناقضة، فلا يلوح التناقض بين تلك المسائل في بادئ الرأ

THE DARUL IFTAA

Houses National and International students who are rigorously trained to become Muftis.

- Caters for answering Fatawa by phone, fax, and email.
- Provides expert Shariah Compliant Banking and financial advice to major corporations and businesses.
- Offers mediation and arbitration for marital, financial, and commercial disputes.
- Helps draw up wills and provides estate distribution certificates.
- Has a daily email service called BEEP (Business Educational Empowerment Program)
- Circulates a bimonthly publication called Al Mahmood
- Holds regular Tazkiyyah and Dhikr Majlis.



ABOUT

THE DARUL IFTAA

The Darul Iftaa is based in the heart of Durban, the unique coastal holiday destination of South Africa.

The Darul Iftaa offers specialist courses for post graduates (Ulama) in:

- Jurisprudence & Islamic Verdicts
- Tafseer & Qur'anic Sciences
- Hadith Sciences

The focus of the Darul Iftaa is to instil academic confidence in its students and sense the superiority of Divine knowledge in witnessing the practical application of their knowledge in the various activities of the Darul Iftaa- general counselling in all aspects of life, Islamic Finance in theory and practice, commercial mediations and arbitrations.

Understand the diversity of the Ummah and its challenge through Fatawa from over 100 countries around the world.

Create a concern in the individual to serve the Ummah with Allah consciousness.



SERVICES

OF THE DARUL IFTAA

1. Adding Islamic Value to Business Houses

Alhamdulillah, in the last decade there has been a great interest generated around Shari'ah Compliancy in business. In the past Deeni concern was confined to issues of ibadaat like Salah, Zakat, Haj, Tasawuf etc. Now, it is an emerging trend for people to enquire about the application of the Shari'ah to business related issues. This is so because people have been reminded of the Hadith that when one stands before Allah Ta'ala on the day of judgement, one will be asked:

From where did he earn his income and where did he spend it

This Hadith is sufficient to stir a person into correcting his business practices. It is not only about buying the bread and milk, but also about how you buy. The item being Halaal is important, but so too is the procedure of the transaction, which itself could determine something being Halaal or Haraam.

A popular concern of today's Muslim Businessman is: "Is there any Alim or Mufti to whom I can have individual access to discuss my business issues in confidence?" Within such a project, the Mufti will be in a position to analyse the individual business needs and advise accordingly. In this way, mechanisms could be engineered to overcome unislamic practices. We hope that if this is undertaken, over a few sessions the business will get closer to Shari'ah Compliancy.

Deen is found in the Masjids, Madrasahs and to some extent in homes. Imagine this Deen to come into our businesses!

Alhamdulillah, Hadhrat Mufti Ebrahim Desai Saheb has agreed to make himself available to provide such a service. Due to such interaction being involved and time-consuming, prior appointment should be made for this service. Each meeting will be designed around the personal needs of the particular Muslim Businessman.

2. Investment Products

The public constantly ask where they may invest their funds for a Halaal income. Most of the products presently available do not meet the requirements of the Shari'ah. This has created despondency amongst the middle and lower income bracket. Where does a widow invest her R5000? How does a poor person aspiring for Hajj save and earn on his savings to undertake the journey?

Insha'Allah the Darul Iftaa will be focussing on engineering Shariah Compliant products to cater for all levels of society. The Darul Iftaa is currently consulting with various International Investment Companies and Financial Institutions in setting up Shariah Compliant products. You can view our Islamic Finance Page on our website for more information.

3. Commercial Mediation and Arbitrations

Alhamdulillah, Hadhrat Mufti Saheb has successfully arbitrated and mediated many commercial disputes. This is done with the assistance of professional Accountants and Lawyers. Arbitration awards are enforceable via the secular courts. Insha'Allah this service will continue and thus saving the businessmen costly litigation fees. More importantly, the decisions are based on the Shari'ah.

4. Businessman Data

The Darul Iftaa keeps an eye on the developments in the Economic and Financial Sector and inform the public about the Islamic overview. For this we keep a database of local and foreign businessmen. An email newsletter updates you about the different Shar'i solutions. To take full benefit of this businessman data, you may email the Darul Iftaa at: admin@daruliftaa.net.

5. Websites of the Darul Iftaa

Askimam.org: Is one of the largest Fatwa Resources on the internet. Currently the website is being serviced by the students of Hadhrat Mufti Saheb.

Tasawwuf.daralmahmood.org: A website dedicated to spiritual reformation under the auspices and supervision of Hadhrat Mufti Ebrahim Desai Sahib.

Daruliftaa.net: The official website of the Darul Iftaa. This website offers a range of services including Articles, Newsletters, books, and Educational resources in the fields of Islamic Business and Finance, as well as Fiqh and Da'wah material.

Idealwoman.org: Designed by women for the women- 'The Ideal Woman' is home for women from the four corners of the world. This website is operating under the esteemed personality of Shaykh Mufti Ebrahim Desai Sahib. The site is managed and administered by females only. The Idealwoman.org website is designed to reach out to Muslim and non-Muslim women all over the world. The aim is to heighten the viewer's appreciation of the glory of Islam and to enrich their knowledge of Islam.

6. Training

Hadhrat Mufti Saheb is renowned for his rigorous training, especially in view of his academic astuteness and knowledge of international demands. The Darul Iftaa houses between 10-15 students, from both SA and abroad. Students shall have to fulfil a rigorous selection process to qualify for enrolment.

7. General Issues

People consult with a Mufti according to their individual need, which varies from person to person. Hadhrat Mufti Saheb has always made himself available for any Deeni queries, as well as social matters and marital issues. Hadhrat Mufti Saheb will continue to dedicate his time to help out the public through the Darul Iftaa. The public are welcome to contact Mufti Saheb in order to take advantage of his dedicated commitment to serve the public.

Mufti Saheb has been teaching Bukhari Sharif for the past 18 years and he currently teaches Hadeeth at Darul Uloom Nu'maniyhah, Chatsworth Durban.

May Allah Ta'ala crown all the efforts of the Darul Iftaa with success, and cause it to be a means of earning His pleasure. Aameen!



WWW.DARULIFTAA.NET